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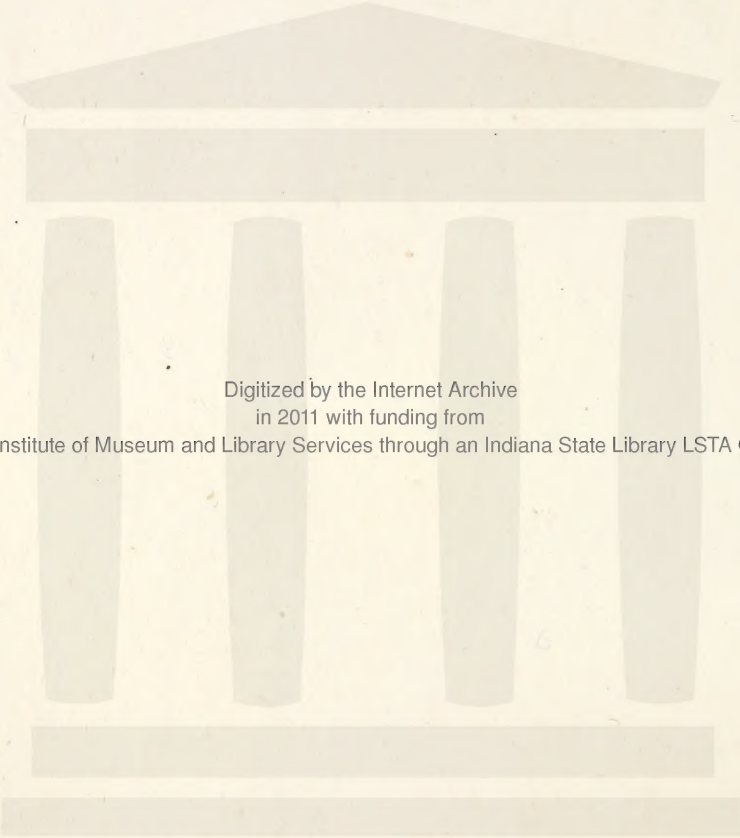
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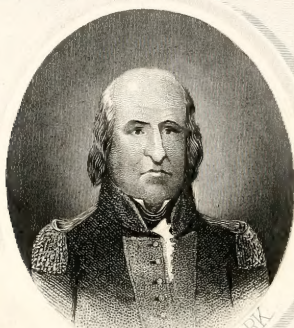




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A

HISTORY OF INDIANA,

FROM ITS

EARLIEST EXPLORATION BY EUROPEANS

TO THE CLOSE OF THE

TERRITORIAL GOVERNMENT, IN 1816;

COMPREHENDING

A HISTORY OF THE DISCOVERY, SETTLEMENT,
AND CIVIL AND MILITARY AFFAIRS

OF THE

TERRITORY OF THE U. S. NORTHWEST OF THE RIVER OHIO,

AND A

GENERAL VIEW OF THE PROGRESS OF
PUBLIC AFFAIRS IN INDIANA,

FROM 1816 TO 1856.

BY JOHN B. DILLON.

INDIANAPOLIS:
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PREFACE.

THE territory which is now included within the boundaries of the State of Indiana, and which was formerly owned and occupied by the Miami confederacy of Indians, was claimed by the government of France, from the time of the discovery of the mouth of the river Mississippi, by La Salle, in 1682, to 1763, when it was, by treaty, relinquished to the government of Great Britain. From 1763 to 1779, it was held, nominally, by Great Britain as a part of her colonial possessions in North America. The jurisdiction of the State of Virginia was formally, but not effectively, extended over it from 1779 to 1784. By the treaty of peace of 1783, and by the deed of cession executed by Virginia, in 1784, it became the property of the United States. From 1787 to 1800, it constituted a part of "THE TERRITORY OF THE UNITED STATES NORTHWEST OF THE RIVER OHIO;" and, from 1800 to 1809, it formed a considerable portion of the very large region over which the jurisdiction of THE INDIANA TERRITORY extended.

Many interesting particulars which relate to the discovery and early exploration of this region, and to the primitive condition of the Indian tribes of the northwest, have been gleaned from the voluminous writings of Christian missionaries, and from the narratives of travelers and adventurers who visited the valley of the Mississippi at different periods in the course of the eighteenth century.

The "Historical Notes of the discovery and settlement of the Territory of the United States northwest of the river Ohio," which were published in 1843 as an introduction to

the history of Indiana, have been carefully revised, enlarged in reference to some subjects, condensed in reference to others, and embodied in this work.

The chapters which follow these brief introductory remarks, are based upon historical researches, which, for a period of about twenty years, have been perseveringly extended over a very large field—on which, intermingled with the materials of true history, the past generations of men have left many confused traditions, many contradictory narratives, and many questionable records. In the course of making these tedious and perplexing researches, I have endeavored to keep my mind free from the disturbing influences of those popular prejudices and errors which derive their origin either from ambitious contentions between distinguished men, or from false traditions, or from national partialities and antipathies, or from excited conflicts between the partizans of antagonistic political systems, or from dissensions among uncharitable teachers of different creeds of religion; and thus to qualify myself, in some measure, for the work of compiling and writing an impartial history of the eventful progress of civilized settlements in a region over which, within the last century, the banners of France, those of Great Britain, and those of the United States, have successively floated as emblems of dominion.

The readers of this history of Indiana will find in it many brief extracts from official documents, and many interesting passages, which have been copied from various manuscript journals, and from autograph letters which were written between the years 1778 and 1816. These brief extracts contain, collectively, a great deal of that kind of information, general and special, which is calculated to impress upon the mind of the reader clear, impartial, and definite views of the rise and progress of civilized settlements in the vast region which was formerly called “the territory of the United States northwest of the river Ohio,”—a territory which, from 1787 to

1800, embraced within its limits all the districts of country which are now included within the boundaries of the States of Indiana, Ohio, Illinois, Michigan, and Wisconsin, and the greater portion of that part of the territory of Minnesota which lies eastward of the sources of the river Mississippi.

Among the early white settlers of the regions lying westward of the Allegheny mountains, there were, at all times, some men who were distinguished as leaders of military expeditions against hostile Indian tribes; and, in districts of country where the forms of law were observed, there were other men of distinction who were charged with the administration of the civil affairs of the government. These two classes of men had the most favorable opportunities of acquiring accurate information of the social condition of the pioneer settlers—of the privations, dangers, and perils of the state of society in which this class of settlers lived—and of the manners and customs which prevailed among them.

The distinguished pioneer soldiers and civilians to whom I allude, were, chiefly, the men who, in official reports and in private journals and letters, recorded their statements and their views in relation to the civil and military affairs of the people among whom they were regarded as leaders and counselors. No small degree of historic interest lingers around the plain, strong, unpretending style in which many of these early pioneers of the west recorded their views of public affairs. Their style of writing constitutes, indeed, a part of their history. I have not, however, in any instance, adopted such statements or such views with respect to any important matter of history, without subjecting them to the ordeal of a close examination and an impartial comparison with the statements and views of those who were cotemporary writers.

For the privilege of examining valuable and interesting private collections of manuscripts and other documents relating to the early civil and military affairs of Indiana, my public thanks are due to Hon. John Scott Harrison, of Ohio;

Hon. William G. Armstrong, of Clark county, Indiana; the family of Capt. Robert Buntin, of Indiana; Elihu Stout, esq., of Knox county, Indiana; the family of Gen. Hyacinth Lassel, of Indiana; and the family of Gen. John Tipton, of Indiana. For the use of various important manuscripts, and other valuable documents, and for many interesting verbal statements concerning the public affairs of Indiana, my acknowledgments have been tendered to General Marston G. Clark, Major Ambrose Whitlock, Mr. Joseph Barron, Prof. Bliss, Dr. Ezra Ferris, Hon. Wm. Polke, Gen. Walter Wilson, Hon. John Law, Mr. Pierre Laplante, Hon. Williamson Dunn, Dr. Azra Lee, Gen. Robert Hanna, Samuel Morrison, esq., Mr. Zebulon Collings, Hon. Isaac Naylor, Major Henry Restine, Hon. Dennis Pennington, Col. Abel C. Pepper, Hon. William Hendricks, Henry Hurst, esq., Col. John Vawter, Col. William Conner, Hon. Stephen C. Stevens, Hon. John Ewing, Samuel Merrill, esq., Hon. John Dumont, John Dowling, esq., Hon. Albert S. White, Calvin Fletcher, esq., Hon. Oliver H. Smith, Hon. John H. Thompson, Major Alexander F. Morrison, Dr. James S. Athon, Hon. Isaac Blackford, Samuel Judah, esq., Hon. Abner T. Ellis, Lawrence M. Vance, esq., Hon. Wm. J. Brown, Col. William Reyburn, and many other gentlemen who have, at different periods, manifested a friendly interest in the progress of my historical researches in the west. In the course of an examination of various old French manuscripts, relating to the early affairs of the country lying northwest of the river Ohio, I have, at different times, received essential assistance from Rev. A. M. A. Martin, Dr. Luke Munsell, James W. Ryland, esq., and Col. John B. Duret.

J. B. D.

INDIANAPOLIS, June, 1858.

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HISTORY OF INDIANA.

CHAPTER I.

BOUNDARIES OF INDIANA—EUROPEAN COLONIES ESTABLISHED IN NORTH AMERICA.

THE State of Indiana is bounded on the east by the meridian line which forms the western boundary of the State of Ohio—the same being the line drawn due north from the mouth of the Great Miami river; on the south by the river Ohio, from the mouth of the Great Miami river to the mouth of the river Wabash; on the west by a line drawn along the middle of the Wabash river from its mouth to a point where a due north line from the town of Vincennes would last touch the shores of the Wabash river, and from thence by a due north line, until the same shall intersect an east and west line drawn through a point ten miles north of the southern extreme of lake Michigan; and on the north by said east and west line until the same shall intersect the first meridian line, which forms the western boundary of the State of Ohio. These boundaries include an area of thirty-three thousand eight hundred and nine square miles, lying between $37^{\circ} 47'$ and $41^{\circ} 50'$ north latitude, and between $7^{\circ} 45'$ and $11^{\circ} 1'$ of longitude west from the city of Washington.

From the time of the discovery of America, by Columbus, in 1492, a period of more than one hundred and fifty years passed away, before any portion of the territory of Indiana was explored by Europeans. During the course of the sixteenth century, the governments of Spain, England, and France, persevered, steadily, in their efforts to establish colonies in North America. In 1568, the Spaniards established a small colony in

Florida. The English made their first permanent settlement, in 1607, at Jamestown, in Virginia. The French planted a small colony at Port Royal, in Nova Scotia, in 1605; and, three years afterward, in 1608, a small number of adventurers, from France, founded the city of Quebec, in Canada. From this time until the year 1763, through a period of more than a century and a half, France and Great Britain were active and vigorous rivals in many contests concerning the territories, the colonies, and the trade and commerce of North America.

In the year 1670, Great Britain had nine colonies in America, established along the Atlantic coast, between the 32d and 45th degrees of north latitude. About eighty years after this period, the English made their first attempt to plant a colony on the western side of the Allegheny mountains.

The French colonists of North America had, in 1670, extended their settlements westwardly, from Quebec, along the shores of the river St. Lawrence, and on the northern borders of lake Ontario and lake Erie. Missionaries and traders had explored the regions bordering upon the great northern lakes, as far westward as the head of lake Superior. Missionary stations had been established among several tribes of Indians; and, to advance and protect the fur trade, small stockade forts and trading posts, had been erected at various suitable places.

An indolent and licentious king, Charles II, was, at this time, on the throne of England. Louis XIV, a bold and ambitious man, was the reigning monarch of France; and Colbert, a statesman of great ability, was his Minister of Finances. The influence of the brilliant and expansive genius of this minister, inspired the colonists of Canada with an ardent desire to extend the dominions, and to increase the power of the French Monarchy. Animated by this desire, and by the hope of extending the influences of civilization and christianity over the Indian tribes of the West, the French authorities of Canada, civil and ecclesiastical, were impelled to engage earnestly in the support of the policy of increasing the number and strength of the forts, trading posts, and missionary stations, in the vast regions lying on the borders of the rivers and lakes between Quebec and the head of Lake Superior.

In the course of the years 1670, 1671, and 1672, the missionaries Claude Allouez and Claude Dablon explored the eastern

part of Wisconsin, the north-eastern portion of Illinois, and, probably, visited that part of Indiana which lies north of the river Kankakee. In the following year, M. Joliet, an agent of the French colonial government, and James Marquette, a good and simple-hearted missionary, who had his station at Mackinaw, explored the country lying about the shores of Green Bay, and on the borders of Fox river, and the river Wisconsin, as far westward as the river Mississippi, the banks of which they reached on the 17th of June, 1673.

Marquette and Joliet, with a small number of boatmen, who started from Mackinaw with them, continued their voyage of discovery, and descended the Mississippi river until they arrived at an Indian village which was called Akamsea, and which, according to observations that were made by the explorers, stood in the latitude of $33^{\circ} 40'$ north. Marquette and his companions were not, however, the first Europeans who penetrated the western regions as far as the river Mississippi. About one hundred and thirty-two years before the time of the expedition of Joliet and Marquette, a small party of Spaniards, under the command of Hernando de Soto, passed through Florida, and explored the country westward, until they arrived at the Mississippi, at a point near the 34th degree of north latitude.

On the 17th of July, 1673, Marquette and his companions left the Indian village of Akamsea, and, on account of the difficulties and dangers which seemed to lie in the way of a voyage toward the mouth of the great river, they determined to return to Canada. Following the courses of the Mississippi and the river Illinois, they arrived at Green Bay in the latter part of the month of September, having passed over a distance of about two thousand five hundred miles in making this journey of discovery. At a village among the Illinois Indians, Marquette and his small band of adventurers were received in a friendly manner, and entertained and treated with the true and peculiar Indian hospitality of those times. They were made the honored guests at a great feast, where hominy, fish, dog meat, and roast buffalo meat, were spread out in profusion before them.

The course of the river Mississippi, and the point at which it entered the Gulf of Mexico, continued to be questions of interest among the French settlers of Canada, until the year

1682. In the early part of this year, Robert Cavelier de La Salle, having under his command a small exploring party, passed down the Illinois river into the Mississippi, and continued his voyage down that river until he reached the Gulf of Mexico. On the 9th of April, 1682, having built a few small huts on the banks of the Mississippi, near the gulf, La Salle and his small party of explorers erected a cross, fastened the arms of France upon a tree, performed some religious exercises, and then, in the name of Louis XIV, took formal possession of the country which they had explored, and gave to it the name of Louisiana.

Having found the mouth of the Mississippi, and settled the questions concerning the course of that river, La Salle returned to Canada, and, soon afterward, went to France, where, having made a report of his discoveries, he was received with marks of great favor by the king, Louis XIV. This monarch, basing his policy, in this instance, on the discoveries which had been made by Joliet, Marquette, and La Salle, set up a claim to all the countries lying between New Mexico and Canada, and extending in all directions as far as the sources of the rivers that flow into the Mississippi.

At the same time, the government of Spain claimed the whole of the territory lying on the borders of the Gulf of Mexico, from the peninsula of Yucatan to the southern cape of Florida, and all the vast regions lying to the east and north of New Mexico, as far as the rivers Mississippi and Missouri. This claim was founded on the discoveries which were made by Juan Ponce de Leon, in 1512, and by Hernando de Soto, between the years 1538 and 1542.

France, however, disregarded this questionable claim set up by Spain, and determined to establish forts, trading posts, and colonies, in Louisiana, at different suitable points, from the mouth of the Mississippi to lake Michigan; and, by this means, to open an interior communication, for purposes of trade, from Canada to the Gulf of Mexico.

CHAPTER II.

MIAMI INDIANS.

THE mild and fertile region now included within the boundaries of the State of Indiana, was, at the time of its discovery by Europeans, claimed and possessed by the Miami Confederacy of Indians. The Miamis proper, who, in former times, bore the name of Twightwees, formed the eastern, and most powerful, branch of this confederacy.

According to the best traditional authorities, the dominion of the Miami Confederacy extended, for a long period of time, over that part of the State of Ohio which lies west of the Scioto river—over the whole of Indiana—over the southern part of Michigan—and over the principal portion of that part of the State of Illinois which lies south-east of Fox river and the river Illinois.* The Miamis have preserved no tradition of their migration, as a tribe, from one country to another; and the great extent of the territory which was claimed by them may be regarded as some evidence of the high degree of national importance which they formerly maintained among the Indian tribes of North America.

In the early part of the eighteenth century, and, perhaps, for a long period before that time, the Miamis dwelt in small villages, at various suitable places within the boundaries of their large territory. Some of these villages were found on the banks of the Scioto—a few were situated in the vicinity of the head-

*At the treaty of Greenville, in 1795, the Little Turtle, a distinguished Miami chief, said to General Wayne: "I hope you will pay attention to what I now say to you. I wish to inform you where your younger brothers, the Miamis, live. * * * You have pointed out to us the boundary line between the Indians and the United States; but I now take the liberty to inform you that that line cuts off from the Indians a large portion of country which has been enjoyed by my forefathers from time immemorial, without molestation or dispute. The print of my ancestors' houses are every where to be seen in this portion. * * * It is well known by all my brothers present, that my forefather kindled the first fire at Detroit; from thence he extended his lines to the headwaters of Scioto; from thence, to its mouth; from thence, down the Ohio, to the mouth of the Wabash; and from thence, to Chicago, on lake Michigan."—AM. STATE PAPERS, INDIAN AFFAIRS, I. 570.

waters of the Great Miami—some stood on the banks of the river Maumee—others on the St. Joseph of lake Michigan—and many were found on the borders of the Wabash, and on some of the principal tributaries of that river. The villages which stood on the banks of the St. Joseph of lake Michigan, those which lay about the head-waters of the Maumee, and those which stood on the borders of the river Wabash, were often visited by christian missionaries, and by fur traders, before the middle of the eighteenth century. These visits were not, however, of long duration; and the different periods at which the French founded settlements at, or near, the sites of these Indian villages, can not now be stated with any degree of certainty. Neither the occasional presence of a missionary, nor the sojournings of adventurous explorers of the country, nor the periodical visits of fur traders, can be fairly regarded as the founding of civilized settlements.

In the year 1672, the Indians who lived in the district of country that lies near the southern shores of lake Michigan, were visited by the missionaries Allouez and Dablon, who opened the way for many subsequent, but almost fruitless, attempts to establish missions within the territory of the Miami. Among the missionaries who visited this territory between the years 1672 and 1712, were Ribourde, Mambre, Hennepin, Marquette, Pinet, Binneteau, Rasles, Periet, Berger, Mermet, Marest, Gravier, De Ville, and Chardon. The history of the missionary labors of these men is a record of perseverance, sufferings, and disappointments.

In heathen lands, the efforts of christian missionaries have often been resisted, and sometimes wholly defeated, by obstacles which were based upon the adverse religious tenets, and the political stratagems, of rival christian nations. For a period of one hundred and fifty years, protestant England and catholic France, were rivals in the great works of acquiring territory, planting colonies, and establishing trade among the Indian tribes of North America. Of the christian missionaries of these two nations, very few, if any, were wholly free from the influence of the hostile rivalry that was brought into action and maintained by their respective governments.*

*In 1649, the British Parliament chartered "a corporation for converting the American Indians."—McPHERSON'S ANNALS OF COMMERCE, v. 439.

Among a number of reasons which were assigned for the planting of British colonies in New England, there was one which declared that it would "be a service unto the Church of great consequence, to carry the gospel into those parts of the world, and raise a bulwark against the kingdom of anti-christ which the Jesuits labor to rear up in all parts of the world."* The Reverend Cotton Mather, in his *Ecclesiastical History of New England*, says, that, in the year 1696, an Indian chief informed a christian minister of Boston, that the French, while instructing the Indians in the christian religion, told them that the Savior was of the French nation, "that they were the English who had murdered him; and that, whereas he rose from the dead, and went up to the heavens, all that would recommend themselves unto his favor, must revenge his quarrel upon the English, as far as they can."†

Thus, in North America, throughout a long period, there was, between the early colonists of England and the early colonists of France, no true christian sympathy—no lasting friendly intercourse—no long season of peace.

Ever eager to advance the interests of their respective governments, the French and English colonists, forming small and weak branches of christian nations, and nourishing antagonistic creeds, hot animosities, bitter revilings, and deadly warfare, were agitating, oppressing, and destroying one another. The Indian tribes, in their intercourse with the European colonists, heard, and saw, and felt, the evils of this hostile course of conduct; and they listened doubtingly, to the instructions of the few pious men who told them that the truths of the christian religion were revealed to the world, by the Son of the only true God, in order to establish, on earth, peace and good will among men.

The missionary Hennepin, who, in 1680, visited the Indian villages on the borders of the Illinois river, says: "There are many obstacles that hinder the conversion of the savages; but in general the difficulty proceeds from the indifference they have to every thing. When one speaks to them of the creation of the world, and of the mysteries of the christian religion,

**Ecc. His. of New England*, by Rev. Cotton Mather, B. i. 65.

†*Id. B. vii, Art. xxii. — ADAIR'S HIS. AM. INDIANS*, London 4to. ed. p. 153.

they say we have reason; and they applaud, in general, all that we say on the great affair of our salvation. They would think themselves guilty of a great incivility, if they should show the least suspicion of incredulity, in respect of what is proposed. But, after having approved all the discourses upon these matters, they pretend likewise, on their side, that we ought to pay all possible deference to the relations and reasonings that they may make on their part. And, when we make answer that what they tell us is false, they reply that they have acquiesced to all that we said; and that it is a want of judgment to interrupt a man that speaks, and to tell him that he advances a false proposition. * * * The second obstacle which hinders their conversion, proceeds from their great superstition. * * * The third obstacle consists in this,—that they are not fixed to a place. * * * The traders who deal commonly with the savages, with a design to gain by their traffic, are likewise another obstacle. * * They think of nothing but cheating and lying, to become rich in a short time. They use all manner of stratagems to get the furs of the savages cheap. They make use of lies and cheats to gain double, if they can. This, without doubt, causes an aversion against a religion which they see accompanied, by the professors of it, with so many artifices and cheats.”

“The Illinois,” says the same missionary, “will readily suffer us to baptize their children, and would not refuse it themselves; but they are incapable of any previous instruction concerning the truth of the gospel, and the efficacy of the sacraments. Would I follow the example of some other missionaries, I could have boasted of many conversions; for I might easily have baptized all those nations, and then say, (as I am afraid they do, without any ground,) that I had converted them. * * * Our ancient missionary recollects of Canada, and those that succeeded them in that work, have always given it for their opinion, as I now own it is mine, that the way to succeed in converting the barbarians, is to endeavor to make them men, before we go about to make them christians. * * * America is no place to go to out of a desire to suffer martyrdom, taking the word in a theological sense. The savages never put any christian to death on the score of his religion. They leave every body at liberty in belief. They like the out-

ward ceremonies of our church, but no more. * * * They do not kill people but in particular quarrels, or when they are brutish, or drunk, or in revenge, or infatuated with a dream, or some extravagant vision. They are incapable of taking away any person's life out of hatred to his religion."

Through the persevering efforts of missionaries, aided by the enterprising spirit of a few adventurous traders, pacific relations and a small traffic were established between the Miamis and the French colonists of Canada, before the close of the seventeenth century. In the year 1684, M. de la Barre, the governor-general of Canada, laid before the English colonial authorities, at Albany, a remonstrance, in which he stated that the Iroquois, or Five Nations, between whom and the English a league of friendship then existed, were interfering with the rights and property of French traders among remote western Indian tribes.

When the Five Nations were informed of this charge, they made a defense against it by saying that their enemies were supplied with arms and ammunition by French traders. M. de la Barre, soon afterward, held a council with certain chiefs of the Five Nations, on which occasion he told them that they, the Senecas, Cayugas, Onondagas, Oneidas, and Mohawks, had abused and robbed French traders who were passing to the west. Grangula, a celebrated Onondaga chief, in replying to this charge, said:—"We plundered none of the French but those who carried guns, powder, and balls, to the Twightwees [Miamis] and Chicktaghicks, because those arms might have cost us our lives. We have done less [evil] than either the English or French, who have usurped the lands of so many Indian nations."

The active hostilities which broke out, in 1689, between the Five Nations* and the colonists of Canada, and the almost constant wars in which France was engaged until the treaty of Ryswick, in 1697, combined to check the grasping policy of Louis XIV, and to retard the planting of French colonies in the valley of the Mississippi. Between the years 1680 and

*The Five Nations were the Mohawks, Oneidas, Cayugas, Onondagas, and Senecas. In 1677, the total number of warriors in this confederacy was 2150. About the year 1711, the Tuscarora tribe of Indians retired from Carolina, and joined the Iroquois, or Five Nations, which, after that event, became known as the Six Nations.

1700, several missionaries, successively, made efforts to instruct and civilize the Illinois Indians. A church, composed of a few Frenchmen, and, probably, a very small number of Indians, was founded on the banks of the river Illinois, at, or near, a post which was founded by La Salle, and called Fort St. Louis. The war which was carried on, about this time, between the Five Nations and the French and their Indian allies, was the principal cause of the dispersion of the settlers at Fort St. Louis, or Great Rock. A party of Indians went down the Illinois river, and settled on the eastern bank of the river Mississippi, on a prairie which lies about twenty-three miles below the mouth of the Missouri. A missionary, a few traders, and some roving adventurers, followed them to their new settlement, which was called Cahokia. The traders, generally, formed matrimonial alliances with the Indians, and lived in amity with them. The beautiful prairies on the borders of the small river Kaskaskia, (which enters the Mississippi at a point about one hundred miles above the mouth of the river Ohio,) attracted the attention of the French adventurers in the Illinois country; and, about the close of the 17th century, a small number of them settled on the banks of that river, and became the founders of the village of Kaskaskia.

CHAPTER III.

FRENCH TRADING POSTS AND MISSIONS.

Soon after the discovery of the mouth of the Mississippi, by La Salle, in 1682, the government of France began to encourage the policy of establishing a line of trading posts and missionary stations in the country lying west of the Allegheny mountains, from Canada to the Gulf of Mexico; and this policy was maintained by France, with only partial success, throughout a period of about seventy-five years. During all this period, the labors of a small number of missionaries were continued, amid many obstacles, without producing any general and permanent improvement in the condition of the Indian

tribes of the west. The missionaries were always followed, and sometimes preceded, by a class of traders who gave intoxicating liquors to the Indians, in exchange for furs and peltries.

The river St. Joseph of lake Michigan was called "the river Miamis" in 1679, in which year La Salle built a small fort on its bank, near the shore of the lake. The principal station of the mission for the instruction of the Miamis, was established on the borders of this river; and, after the founding of this mission, the river was called the St. Joseph of lake Michigan.

The missionary Hennepin gives the following account of the building of the first French post within the territory of the Miamis:—"Just at the mouth of the river Miamis there was an eminence with a kind of a platform naturally fortified. It was pretty high, and steep, of a triangular form—defended on two sides by the river, and on the other by a deep ditch, which the fall of the waters had made. We fell the trees that were on the top of the hill; and having cleared the same from bushes for about two musket shot, we began to build a redoubt of eighty feet long and forty feet broad, with great square pieces of timber, laid one upon another; and prepared a great number of stakes, of about twenty-five feet long, to drive into the ground, to make our fort the more inaccessible on the river side. We employed the whole month of November [1679] about that work, which was very hard, though we had no other food but the bears' flesh our savage [Indian] killed. These beasts are very common in that place, because of the great quantity of grapes they find there; but their flesh being too fat and luscious, our men began to be weary of it, and desired leave to go a hunting to kill some wild goats. M. La Salle denied them that liberty, which caused some murmurs among them; and it was but unwillingly that they continued their work. This, together with the approach of the winter, and the apprehension that M. La Salle had that his vessel [the Griffin] was lost, made him very melancholy, though he concealed it as much as he could. We had made a cabin wherein we performed divine service every Sunday; and father Gabriel and I, who preached alternately, took care to take such texts as were suitable to our present circumstances, and fit to inspire us with courage, concord, and brotherly love. * * * The fort was at last perfected, and called Fort Miamis."

In the year 1711, the missionary Chardon, who, it is said, "was full of zeal, and had a rare talent for acquiring languages," had his station on the St. Joseph of lake Michigan, at a point about sixty miles above the mouth of that river. In 1721, about half a century after the year in which Allouez and Dablon traversed the country lying on the southern shores of lake Michigan, Charlevoix, a distinguished missionary from France, visited a small fort, or trading post, on the river St. Joseph, where there was a missionary station. In a letter, dated "River St. Joseph, August 16, 1721," Charlevoix says:—"It was eight days yesterday since I arrived at this post, where we have a mission, and where there is a commandant with a small garrison. The commandant's house, which is but a very sorry one, is called the fort, from its being surrounded with an indifferent palisado, which is pretty near the case in all the rest. We have here two villages of Indians, one of the Miamis, and the other of the Pottawattamies; both of them mostly christians; but, as they have been, for a long time, without any pastors, the missionary who has been lately sent to them will have no small difficulty in bringing them back to the exercise of their religion. The river St. Joseph comes from the south-east, and discharges itself into lake Michigan, the eastern shore of which is a hundred leagues in length, and which you are obliged to sail along before you come to the entry of this river. You afterward sail up twenty leagues in it before you reach the fort; which navigation requires great precaution. Several Indians of the two nations [Miamis and Pottawattamies] settled upon this river, are just returned from the English colonies, whither they have been to sell their furs, and whence they have brought back, in return, a great quantity of spiritous liquors. The distribution of it is made in the usual manner; that is to say, a certain number of persons have, daily, delivered to each of them *a quantity sufficient to get drunk with*; so that the whole has been drunk up in eight days. They began to drink in the villages as soon as the sun was down; and every night the fields echoed with the most hideous howling."

More than one hundred years passed away after Charlevoix wrote this letter; yet, spiritous liquors and riotous drunkenness, maintaining their power among the passing generations

of the aboriginal race of North America, were still opposing and baffling the labors of christian missionaries among the Miamis and Pottawattamies on the banks of the St. Joseph.

The missionary Sebastian Rasles, in a letter which is dated "12th October, 1723," says:—"It is a blessing to the Illinois that they are so far distant from Quebec; because it renders it impossible to transport to them the 'fire water' as it is carried to others. This drink, among the Indians, is the greatest obstacle to christianity. We know that they never purchase it but to plunge into the most furious intoxication; and the riots and sad deaths of which we were each day the witnesses, ought to outweigh the gain which can be made by the trade in a liquor so fatal."

The Indians who carried on a trade with the Hudson Bay Company, generally bartered their furs and peltries for brandy, tobacco, blankets, beads, etc. In an examination which took place before a committee of the British House of Commons, in 1749, it was stated, by a person who had been engaged in the service of the Hudson Bay Company, that "the trade of the Company might be enlarged if they would give to every Indian leader a gallon of brandy." The same witness said that he had "heard Indians speak in the French language, and pray in the French language—but never heard them pray in English."

The missionary Vivier, in a letter, dated "Illinois, 17th of November, 1750," says:—"We have three stations in this part of the world; one of Indians, one of French, and a third composed partly of Indians and partly of French. The first contains more than six hundred Illinois, all baptized, with the exception of five or six; but the 'fire water' which is sold to them by the French, and especially by the soldiers, in spite of the reiterated prohibitions on the part of the king, and that which is sometimes distributed to them under pretext of maintaining them in our interest, has ruined that mission."

In the year 1765, the Miami nation, or confederacy, was composed of four tribes, whose total number of warriors was estimated at one thousand and fifty men. Of this number there were two hundred and fifty Twightwees, or Miamis proper; three hundred Weas, or Ouiatenons; three hundred Piankeshaws; and two hundred Shockeyes. At this time the principal villages of the Twightwees were situated about the

head of the Maumee river, at, and near, the place where the town of Fort Wayne now stands. The larger Wea villages were found near the banks of the Wabash river, in the vicinity of post Ouiatenon; and the Shockeys and Piankeshaws dwelt on the banks of the Vermillion rivers, and on the borders of the river Wabash, between Vincennes and Ouiatenon.

Branches of the Pottawattamie, Shawanee, Delaware, and Kickapoo tribes, were, at different periods of time, permitted to enter, and reside at various places, within the boundaries of the large territory which was claimed by the Miamis. In a letter which was written at Vincennes, on the 16th of June, 1793, the writer said:—"There are parties of Indians continually coming to and going from this place, where they are furnished with liquors for their skins, in such quantities as they are able to pay for—which disturbs much the good order and peace of the village. They remain here eight or ten days, in one continual round of drunkenness and disorder."

In the summer of the year 1796, a distinguished French author and traveler, Mr. Volney, visited Vincennes, partly to observe, at his leisure, the manners and customs of the Indian tribes in that quarter. This traveler, in a work entitled "A View of the Soil and Climate of the United States of America," says:—"My stay at Vincennes afforded me some knowledge of the Indians who were assembled to barter away the produce of their red hunt. There were four or five hundred of them, men, women, and children, of various tribes, as the Weas, Peorias, Sawkies, Piankeshaws, and Miamis. The men and women roamed all day about the town, merely to get rum; for which they eagerly exchanged their peltry, their toys, their clothes; and, at length, when they had parted with their all, they offered their prayers, and entreaties—never ceasing to drink till they had lost their senses."

In 1805, Governor Harrison, who then resided at Vincennes, in a letter addressed to Governor Tiffin, of Ohio, said: "The dreadful effects which have been produced among our Indian neighbors, by the immense quantities of ardent spirits which have been poured in upon them by our citizens, have long been known and lamented by every friend of humanity."

The national character and the condition of the Miami Indians, in the year 1817, were fairly described in a letter which

was written, in that year, by Benjamin F. Stickney, an Indian Agent, in the service of the United States. The following passages are copied from this letter, which was dated, "Fort Wayne, August 27, 1817," and addressed to Thos. L. McKinney, Superintendent of Indian Affairs. The agent, Mr. Stickney, said: "I shall pay every attention to the subject of your letter, developing the exalted views of philanthropy of the Kentucky Baptist Society for propagating the gospel among the heathen. The civilization of the Indians is not a new subject to me. I have been, between five and six years, in the habit of daily and hourly intercourse with the Indians northwest of the Ohio, and the great question of the practicability of civilizing them ever before me. That I might have an opportunity of casting in my mite to the bettering of the condition of these uncultivated human beings, and the pleasure of observing the change that might be produced on them, were the principal inducements to my surrendering the comforts of civilized society.

"Upon my entering on my duties, I soon found that my speculative opinions were not reducible to practice. What I had viewed, at a distance, as flying clouds, proved, upon my nearer approach, to be impassable mountains. Notwithstanding these discouraging circumstances, I am ready to aid your views by all proper means within my power; and, in so doing, believe I embrace the views of the government of which I am agent. * * * It will be proper for me to be more particular, and give you something of my ideas of the nature and extent of the obstacles to be met.

"*First.*—The great, and, I fear, insurmountable obstacle is, THE INSATIABLE THIRST FOR INTOXICATING LIQUORS that appears to be born with all the yellow-skin inhabitants of America; and the *thirst for gain* of [some of] the citizens of the United States appears to be capable of eluding all the vigilance of government to stop the distribution of liquor among them. When the Indians can not obtain the means of intoxication within their own limits, they will travel any distance to obtain it. There is no fatigue, risk, or expense, that is too great to obtain it. In some cases, it appears to be valued higher than life itself. If a change of habit in this can be effected, all other

obstacles may yield. But if the whites can not be restrained from furnishing them with spiritous liquors, nor they from the use of them, I fear all other efforts to extend to them the benefits of civilization will prove fruitless. The knowledge of letters serves as the medium of entering into secret arrangements with the whites, to supply the means of their own destruction, and, within the limits of my intercourse, the principal use of the knowledge of letters or civilized language has been to obtain liquor for themselves or others.

"Secondly.—The general aversion to the habits, manners, customs, and dress of civilized people; and, in many cases, an Indian is an object of jealousy for being acquainted with a civilized language, and it is made use of as a subject of reproach against him.

"Thirdly.—General indolence, connected with a firm conviction that the life of a civilized man is that of slavery; and that savage life is manhood, ease, and independence.

"Fourthly.—The unfavorable light in which they view the character of the citizens of the United States—believing that their minds are so occupied in trade and speculation, that they never act from any other motives. * * * Their opinion of the government of the United States is, in some degree, more favorable; but, secretly, they view all white people as their enemies, and are extremely suspicious of every thing coming from them.

"All the Miamis, and Eel river Miamis, are under my charge, about one thousand four hundred in number; and there are something more than two thousand Pottawattamies who come within my agency. The proportion of children can not be ascertained, but it must be less than among the white inhabitants of the United States. They have had no schools nor missionaries among them since the time of the French Jesuits. They have places that are commonly called villages, but, perhaps, not correctly, as they have no uniform place of residence. During the fall, winter, and part of the spring, they are scattered in the woods, hunting. The respective bands assemble together in the spring at their several ordinary places of resort, where some have rude cabins, made of small logs, covered with bark; but, more commonly, some poles stuck in

the ground and tied together with pliant slips of bark, and covered with large sheets of bark, or a kind of mats made of flags.

“Near these places of resort they plant some corn. There are eleven of these places of resort, called villages, within my agency. The Miamis and Eel river Miamis reside, principally, on the Wabash, Mississinewa, and Eel river, and the head of White river. The Pottawattamies [reside] on the Tippecanoe, Kankakee, Iroquois, Yellow river, St. Joseph of lake Michigan, the Elkhart, Miami of the lake, the St. Joseph emptying into it, and the St. Mary’s river. They all believe in a God, as creator and governor, but have no idea of his will being communicated to man, except as it appears in the creation, or as it appears, occasionally, from his providential government. Some of them have been told of other communications having been made to the white people a long time since, and that it was written and printed; but they have neither conception nor belief in relation to it. Their belief in a future existence is a kind of transubstantiation—a removal from this existence to one more happy, with similar appetites and enjoyments. They talk of a bad spirit, but never express any apprehension of his troubling them in their future existence.”

In tracing the history of the Miami Indians, from the present time, backward through a period of one hundred and fifty years, the mind of the enlightened reader must pass, painfully, over a long and mournful picture of ignorance, superstition, injustice, war, barbarity, and the most debasing intemperance. There were some men, of piety and zeal, who, successively entering the field of missionary labors, endeavored to establish among these Indians the foundations of civilization and the doctrines of christianity. But these philanthropists were few in number, with an imperfect knowledge of the language of the Miamis, without schools, without homes, often placing their lives in peril, and in some instances falling the victims of savage violence. Such men were, in the west, the pioneers in the conflict between barbarism and civilization.

At the present day, a few small, mixed, and miserable bands, constitute the remnant of the once powerful Miami nation. Their ignorance, their errors, their misfortunes, and the vices which they learned from bad men of the white race, still cling

to them with unabated power to degrade and destroy. Thus, with the lights of civilization and religion beaming around them, the last fragments of one of the most powerful aboriginal nations of North America are gradually passing away from the earth for ever.

CHAPTER IV.

FRENCH COLONIES IN THE WEST.

THE wars in which France and England were engaged, from 1688 to 1697, retarded the growth of the colonies of those nations in North America; but soon after the peace of Ryswick, Louis XIV determined to send a large number of colonists to Louisiana, and to maintain garrisons among them, for their protection. Lemoine D'Ibberville was appointed governor of Louisiana, and M. de Bienville was commissioned as lieutenant-commandant of the province. Under the direction of these officers, a number of adventurers emigrated from France, in 1698; and, in the course of the succeeding year, founded a settlement at Biloxi, on the northern shores of lake Borgne, between Mobile bay and lake Ponchartrain.

The early efforts which were made by France to establish colonies in the valley of the Mississippi, from Canada to the gulf of Mexico, excited the jealousy, and aroused the fears, of some of the English statesmen of those times. In the year 1698, Dr. D'Avenant, inspector-general of the customs, published some discourses on the public revenues and trade of England. In one of these discourses he said:—"Should the French settle at the disemboguing of the river Mississippi, they would not be long before they made themselves masters of that rich province, *which would be an addition to their strength very terrible to Europe*, but would more particularly concern England; for, by the opportunity of that settlement, by erecting forts along the several lakes between that river and

Canada, they may intercept all the trade of our northern plantations.”*

During the period that elapsed between 1700 and 1712, the hostility of the Five Nations, or Iroquois confederacy, defeated the attempts which were made by the French to establish trading posts in the regions which lie adjacent to the southern shores of lake Ontario and lake Erie; but, in the month of June, 1701, Antoine de Lamotte Cadillac, accompanied by a missionary and one hundred men, left Montreal, and, in the month of July, arrived at the site of Detroit, where the party founded a permanent settlement.

As early as 1705, Louis XIV invested Lamotte Cadillac with power to grant, or concede, the lands about Detroit, in small lots, to actual settlers. By the conditions of a grant,† made by Cadillac, at Detroit, in 1707, the grantee was bound to pay a reserved rent of fifteen francs a year to the crown, for ever, in peltries, and to begin to clear and improve the land within three months from the date of the grant. All the timber was reserved to the crown, whenever it might be wanted for fortifications, or for the construction of boats or other vessels. The property of all mines and minerals was reserved to the crown. The privilege of hunting rabbits, hares, partridges, and pheasants, was reserved to the grantor. The grantee was bound to plant, or help to plant, a long May-pole before the door of the principal manor-house, on the first day of May in every year. All the grain raised by the grantee was to be carried to the mill of the manor to be ground, paying the tolls sanctioned by the custom of Paris. On every sale of the land a tax was levied; and, before a sale, the grantee was bound to give information to the government, and if the government was willing to take the land at the price offered to the grantee, it was to have precedence as a purchaser. The grantee could not mortgage the land, without the consent of the government. For a term of ten years, the grantee was not permitted to work, or cause any person to work, directly or indirectly, at the profession and trade of a blacksmith, locksmith, armorer, or brewer, without a permit. All effects, and articles of merchandise, sent to, or brought from, Montreal, were to be sold

* Anderson's *His. of Com.*, i, 25.

† *Am. State Papers, Pub. Lands*, v, i, 261.

by the grantee himself, or other person who, with his family, was a French resident; and not by servants, or clerks, or foreigners, or strangers. The grantee was forbidden to sell or trade spiritous liquors to Indians. He was bound to suffer on his lands such roads as might be thought necessary for public use. He was bound to make his fences in a certain manner, and, when called upon, to assist in making his neighbors' fences. Such were the conditions on which the first French settlers at Detroit obtained grants of land from the commandants at that post.

Of the early French adventurers who emigrated from Canada to the western dependencies of that province, some settled at Detroit; a few gathered around the post of Michilimackinac; and others, impelled by their necessities, or moved by their inclinations, led a rambling life among various tribes of the Indians who occupied the territory northwest of the river Ohio. Mingled with these pioneer adventurers, there were a few intelligent, ambitious, and enterprising men, who expected to derive great profits and advantages from the prosecution of the fur trade. This trade was carried on by means of men who were hired to manage small vessels on the lakes, and canoes along the shores of the lakes and on the rivers, and to carry burdens of merchandise from the different trading posts to the principal villages of the Indians who were at peace with the French. At those places, the traders exchanged their wares for valuable furs, with which they returned to the places of deposit.

The articles of merchandise used by the French traders, in carrying on the fur trade, were, chiefly, coarse blue and red cloths, fine scarlet, guns, powder, balls, knives, hatchets, traps, kettles, hoes, blankets, coarse cottons, ribbons, beads, vermilion, tobacco, spiritous liquors, etc. The poorest class of fur traders sometimes carried their packs of merchandise, by means of leather straps, suspended from their shoulders, or with the straps resting against their foreheads. It is probable that some of the Indian villages on the borders of the Wabash were visited by a few of this class of traders before the French founded a settlement at Kaskaskia. It has been intimated, conjecturally, by a learned writer,* that missionaries and traders, before

*Bishop Bruté.

the close of the seventeenth century, passed down from the river St. Joseph, "left the Kankakee to the west, and visited the Tippecanoe, the Eel river, and the upper parts of the Wabash."

After Lamotte Cadillac founded a permanent settlement at Detroit, and about the close of the year 1702, the Sieur Juchereau, a Canadian officer, assisted by the missionary Mermet, made an attempt to establish a post on the Ohio, near the mouth of that river; or, according to some authorities, on the river Wabash, at the site which is now occupied by the town of Vincennes. A number of Mascoutins, or Prairie Indians, were gathered around the post, and the zealous Mermet soon opened a public discussion with one of their chief counselors, who, it seems, worshiped the buffalo. "The way I took," says Mermet, "was to confound, in the presence of the whole tribe, one of these charlatans, whose Manitou, or Great Spirit, which he worshiped, was the buffalo. After leading him on, insensibly, to the avowal that it was not the *buffalo* that he worshiped, but the Manitou, or *Spirit* of the buffalo, which was under the earth, and animated all buffaloes, and healed the sick, and had all power, I asked him if other beasts, the bear, for instance, which some of his nation worshiped, was not equally inhabited by a Manitou which was under the earth." "Without doubt," said the Indian. "If this is so," said the missionary, "*men* ought to have a Manitou who inhabits them." "Nothing more certain," said the Indian. "Ought not that to convince you," said Mermet, "that you are not very reasonable? For, if man, upon the earth, is the master of all animals—if he kills them—if he eats them—does it not follow that the Manitou which inhabits him, must, necessarily, have a mastery over all other manitous? Why, then, do you not invoke him, instead of the Manitou of the buffalo and the bear, when you are sick?" "This reasoning," says Mermet, "disconcerted the charlatan; but this was all the effect that it produced."*

A pestilential malady soon broke out among the Indians who were settled around this new post; and, notwithstanding

*Let. Ed. vi, 333.—Charlevoix iii, 393.—Baneroft iii, 196.—N. A. Rev. vol. xlviii, 99.—Judge Law's Address before His. and Antiq. Society, Vincennes, page 16.—La Harpe's Journal, Feb. 8, 1703.

the kind offices of the missionary, they died in great numbers. With a hope of arresting the progress of the fatal epidemic, the Indians determined to make a great sacrifice of dogs. "Forty of these poor animals, innocent as they were of the cause of the epidemic, to satisfy their suspicious manitous, were immolated and carried on poles, in solemn procession, round the fort. While the procession was moving, the jugglers were uttering exclamations, which, as recorded by father Mermet, were as follows: 'Manitou of the French! do not kill us all! Softly—softly there! Do not strike too hard. Spare us, else we all die!' Then turning to the father [Mermet] they would say: 'Oh! Manitou! truly thou hast life and death in thy sack. Keep in death, and give out life.'"* The Indians soon moved away from the place of mortality; Mermet retired to the village of Kaskaskia; and the Sieur Juchereau abandoned the sickly post.

About the year 1712, Gabriel Marest, a missionary, had his station at Kaskaskia. On one occasion he traveled from his station, among the Illinois Indians, to Michilimackinac; and he described, in the following passage, the character of the country over which he passed in making this journey: "We have marched twelve days without meeting a single human creature. Sometimes we found ourselves in vast prairies—of which we could not see the boundaries—through which there flowed many brooks and rivers; but without any path to conduct us. Sometimes we were obliged to open a passage across thick forests, through bushes and underwood, filled with briars and thorns. Sometimes we had to pass through deep marshes, in which we sunk up to the middle. After being fatigued through the day, we had the earth for our bed, or a few leaves—exposed to the wind, the rain, and all the injuries of the air."†

An account of the religious exercises which were observed by the missionaries among the Illinois Indians, at Kaskaskia, is related in a letter written by P. Gabriel Marest, and dated November 9, 1712.‡ In this letter the missionary says: "The following is the order we observe each day in our mission: Early in the morning we assemble the catechumens at the

* Bishop Bruté.

† Let. Ed. ii, 360.—Rob. Am. 477.

‡ Kip's Early Jesuit Missions in North America, p. 204.

church, where they have prayers; they receive instruction, and chant some canticles. When they have retired mass is said, at which all the christians assist, the men placed at one side, and the women on the other; then they have prayers, which are followed by giving them a homily; after which each one goes to his labor. We then spend our time in visiting the sick, to give them the necessary remedies, to instruct them, and to console those who are laboring under any affliction. After noon the catechising is held, at which all are present, christians and catechumens, men and children, young and old; and where each, without distinction of rank or age, answers the questions put by the missionary. As these people have no books, and are naturally indolent, they would shortly forget the principles of religion, if the remembrance of them was not recalled by these almost continual instructions. In the evening all assemble again at the church, to listen to the instructions which are given, to hear prayers, and to sing some hymns. * * * * These hymns are their best instructions, which they retain the more easily, since the words are set to airs with which they are acquainted, and which please them."

In the summer of the year 1712, the post at Detroit was besieged by a strong party of the Fox tribe of Indians. Large parties of Pottawattamies, Ottawas, and Hurons, however, marched to the assistance of the French. Of the besiegers, a considerable number were killed; some were carried off as captives, and the remainder were forced to retreat to their villages which lay on the borders of the Fox river of Wisconsin.

The settlement which was made at Biloxi, on the shores of lake Borgne, in 1699, under the direction of D'Ibberville and Bienville, was the first attempt that was made, after the death of La Salle, to plant a French colony in the province of Louisiana, near the gulf of Mexico. A war broke out between England and France, in 1702; the settlement at Biloxi was neglected; and it continued to languish until 1712; when, on the 14th of September, in that year, the commerce of the province of Louisiana was granted by Louis XIV, to Anthony Crozat, who was an officer of the king's household, and a man of great wealth. The king, in his letters patent to Crozat, said: "The care we have always had to procure the

welfare and advantage of our subjects, having induced us, notwithstanding the almost continual wars which we have been obliged to support from the beginning of our reign, to seek for all possibility of enlarging and extending the trade of our American colonies, we did, in the year 1683, give our orders to undertake a discovery of the countries and lands which are situated in the northern part of America, between new France [Canada] and new Mexico; and the Sieur de La Salle, to whom we committed that enterprise; having had success enough to confirm a belief that communication might be settled from new France to the gulf of Mexico by means of large rivers, this obliged us, immediately after the peace of Ryswick, to give orders for the establishing of a colony there, and maintaining a garrison, which has kept and preserved the possession we had taken, in the very year of 1683, of the lands, coasts, and islands which are situated in the gulf of Mexico, between Carolina on the east, and old and new Mexico on the west. But a new war having broken out in Europe, shortly after, there was no possibility, till now, of reaping from that new colony the advantages that might have been expected from thence: because the private men who were concerned in the sea trade were all under engagements with other colonies, which they have been obliged to follow; and, whereas, upon the information we have received concerning the disposition and situation of the said countries, known at present by the name of the province of Louisiana, we are of opinion that there may be established therein a considerable commerce, so much the more advantageous to our Kingdom, in that there has hitherto been a necessity of fetching from foreigners the greatest part of the commodities which may be brought from thence; and, because, in exchange thereof, we need carry thither nothing but commodities of the growth and manufacture of our own kingdom—we have resolved to grant the commerce of the country of Louisiana to the Sieur Anthony Crozat, our counselor, secretary of the household, crown, and revenue, to whom we intrust the execution of this project. We are the more readily inclined hereunto, because his zeal and the singular knowledge he has acquired in maritime commerce, encourage us to hope for as good success as he has hitherto had in the divers and sundry enterprises he has gone upon, and which have procured

to our kingdom great quantities of gold and silver, in such conjunctures as have rendered them very welcome to us.

“For these reasons, being desirous to show our favor to him, and to regulate the conditions upon which we mean to grant him the said commerce, after having deliberated this affair in our own council, of our certain knowledge, full power, and royal authority, we, by these presents, signed by our hand, have appointed, and do appoint, the said *Sieur Crozat* solely to carry on a trade in all the lands possessed by us, and bounded by new Mexico and by the lands of the English of Carolina, all the establishments, ports, havens, rivers, principally the port and haven of the isle Dauphine, heretofore called Massacre; the river of St. Louis, heretofore called Mississippi, from the edge of the sea *as far as the Illinois*; together with the river St. Philip, heretofore called Missouri; and of St. Jerome, heretofore called Ouabache; with all the countries, territories, lakes within land, and rivers which fall directly or indirectly into that part of the river St. Louis.*

“Our pleasure is that all the aforesaid lands, countries, streams, rivers, and islands, be and remain comprised under the name of the government of Louisiana, which shall be dependent upon the general government of new France, to which it is subordinate: and, further, that all the lands which we possess, from the Illinois, be united, so far as occasion requires, to the general government of new France, and become part thereof—reserving, however, to ourselves the liberty of enlarging, as we shall think fit, the extent of the government of the said country of Louisiana.

* The North American Review, No. CII, gives the names of the lakes and rivers of the northwest, as they appear in the writings of the early French travelers. Lake Ontario was called lake Frontenac. Lake Erie was called Erike, Erige, or Erie, from a nation of Eries destroyed by the Iroquois; it was also called lake of Conti. Lake Huron was Karegnondi, and lake of Orleans. Lake Michigan was called lake of Puans, lake of the Illinois, lake of the Illinese, lake of the Illinouacks, lake Mischigonong, and lake of the Dauphin. Lake Superior was called lake Superieur, and lake of Conde. Green bay was baie des Puans. Illinois river was sometimes called river Seignelay. The river Ohio was called Ouabouskigou, Ouabachi, Ouabache, Oyo, Ouye, and Belle Riviere. The Mississippi river was called river Colbert, river St. Louis, Meschasipi, Meschasabe, etc. Missouri river was called Pekitanoni, riviere des Osages, Massourites, etc.

“We permit him [the *Sieur Crozat*] to search for, open, and dig, all sorts of mines, veins, and minerals throughout the whole extent of the said country of Louisiana, and to transport the profits thereof into any port of France during fifteen years. And we grant, in perpetuity to him, his heirs, and others claiming under him or them, the profits of, in, and to the mines, veins, and minerals, which he shall bring to bear—paying us, in lieu of all claim, *the fifth part of the gold and silver*, which the said *Sieur Crozat* shall cause to be transported to France, at his own charges, into what port he pleases, (of which fifth we will run the risk of the sea and of war,) and the tenth part of the effects he shall draw from the other mines, veins, and minerals, which tenth he shall transfer and convey to our magazines in the said country of Louisiana.

“We likewise permit him to search for precious stones and pearls, paying us the fifth part, in the same manner as is mentioned for the gold and silver. We will that the *Sieur Crozat*, his heirs, or those claiming under him or them the perpetual right, shall forfeit the propriety of the said mines, veins, and minerals, if they discontinue the work three years; and that, in such case, the said mines, veins, and minerals shall be fully re-united to our domain, by virtue of this present article, without the formality of any process of law, but only an ordinance of re-union from the sub-delegate of the intendant of new France, who shall be in the said country: nor do we mean that the said penalty of forfeiture, in default of working for three years, be reputed a comminatory penalty. Our edicts, ordinances, and customs, and the usages of the mayoralty and shrievalty of Paris, shall be observed for laws and customs in the said country of Louisiana.”*

The *Sieur Crozat* was required to send at least two vessels a year from France, in order to support the colonists and maintain the trade of Louisiana. In 1713, the whole civilized population of the province, extending from lake Michigan to the gulf of Mexico, consisted of about four hundred French colonists. Of these, some carried on a profitable traffic among the Indians; others explored the country in various directions, making fruitless attempts to discover mines of the precious

* Laws, etc., of U. S. relating to public lands, p. 944.

metals; and a very small number of the settlers were engaged in agricultural pursuits.

In the year 1717, after the death of Louis XIV, Crozat, disappointed in his expectations of finding rich gold and silver mines, surrendered his grant to the crown of France; and, in August, 1717, the province of Louisiana was granted, by letters patent, to the western company, which was sometimes called the Mississippi company. The fifth article of the letters patent was in the words following: "In order to provide the said western company with the means of making a permanent establishment, and to execute all the plans they may form, we have given, granted, and conceded, and, by these presents, do give, grant, and concede to them, for ever, all the lands, coasts, ports, havens, and islands which form our province of Louisiana, as well and with the same extent as we had granted it to M. Crozat, by our letters patent dated the 14th of September, 1712, to enjoy the same in full property, lordship, and justice—reserving to ourselves but only fealty and homage, which the said company shall render to us, and the kings our successors, with a crown of gold of the value of twenty mares."

Immediately after the cession of Louisiana to the Western Company, that corporation began to make extraordinary efforts to increase the number, and advance the prosperity of French settlements within the boundaries of their province. A new government was formed, consisting of a Governor, Intendant, and Royal Council. An edict was issued, with the view to collect and transport settlers to the valley of the Mississippi; and many reports were artfully circulated among the people, in France, concerning the discovery of rich mines of gold and silver in Louisiana.

In 1717, M. Bienville selected the site of New Orleans for a central town for an agricultural and commercial colony, and left a small company of men at that place to clear the land and build houses. In the course of the years 1717 and 1718, the population of Louisiana was increased by an addition of about eight hundred French emigrants; and, in the latter part of the former year, the directors of the Western Company sent M. de Boisbriant, with a small military force, to establish a post at, or near, the village of Kaskaskia. In 1718, this officer began to build a small fort on the left bank of the river Mis-

issippi, about eighteen miles distant from Kaskaskia. The post was called Fort Chartres. During the years 1718 and 1719, the French population in the district around Kaskaskia and Fort Chartres was augmented, considerably, by the influx of adventurers from Canada, and from the settlement at New Orleans. Early in the year 1719, the Western Company obtained, from the crown of France, the exclusive right of trading to the East Indies, China, and the South Seas; and, in consequence of receiving this enlarged privilege, it assumed the name of the Company of the Indies. In the mean time, different agents of the company were actively engaged in exploring various parts of Louisiana, and making excavations in the earth, in search of gold and silver mines, and "precious stones and pearls."

The directors of the Company of the Indies soon endeavored to turn the attention of the colonists of Louisiana from the visionary search after gold and silver mines, to the cultivation of the soil, and the practice of some of the mechanic arts. In 1721, the country was divided into nine districts, which were called New Orleans, Biloxi, Mobile, Alabama, Natchez, Yazoo, Natchitoches, Arkansas, and Illinois. The district of Illinois included the territory now lying within the boundaries of the State of Indiana. Factories, or storehouses, were established by the company in each of these districts. The growing of rice, tobacco, indigo, etc., was pressed upon the attention of the colonists; and negro slaves* were imported from Africa and

*Robertson, in his *Disquisition on Ancient India*, (p. 69,) says: "In every part of America of which the Spaniards took possession, they found that the natives, from their indolence, or from the injudicious manner of treating them, were incapable of the exertions requisite either for working mines, or for cultivating the earth. Eager to find hands more industrious and efficient, the Spaniards had recourse to their neighbors, the Portuguese, and purchased from them negro slaves. Experience soon discovered that they were men of a more hardy race, and so much better fitted for enduring fatigue, that the labor of one negro was computed to be equal to that of four Americans." In the practice of purchasing negro slaves, the Spaniards were soon imitated by the English and French colonists who settled in the warmer climates of North America. It is said, however, that Louis XIII was extremely uneasy about a law for the introduction of negro slaves into his colonies; but when it was urged to him as the readiest means of their conversion, he acquiesced without further scruples.—MONTESQ.

sold, on a credit of three years, to those settlers who were engaged in agricultural pursuits. But, at this time, the French inhabitants of the valley of the Mississippi, were, with a few exceptions, a roving, trafficking, restless class of people, among whom the important interests of agriculture and manufactures were neglected. A considerable part of their clothing, their arms and ammunition, their implements of labor, and even a considerable portion of the provisions which they consumed, were imported from France, and received by them in exchange for the furs and peltries which they obtained by their traffic with the Indians. The English colonists, who were settled on the eastern side of the Allegheny mountains, pursued a different and more wise system of political economy; and, by fostering the great interest of agriculture, they laid the foundations of that power which ultimately forced France to relinquish her claims to the territories lying in the valley of the Mississippi.

CHAPTER V.

FRENCH POLICY IN THE WEST.

FROM 1720 to 1731, the trade and commerce of the Mississippi valley were monopolized by the Company of the Indies. The laws by which the colonists were governed during this period, were, in some measure, arbitrary, and fatally adverse to the growth and prosperity of the settlers in the various districts of Louisiana. The cultivators of the soil, the workers of mines, and even the fur traders, were held in a sort of vassalage, by the force of various ordinances, decrees, and regulations. The company could, at any time, fix the prices at which the colonists should buy imported goods and wares; and it could establish the prices of the products raised or manufactured by the inhabitants of the colony. The latter were compelled to buy, at high prices, the merchandise of the company, and to sell, at a low price, the productions of their own skill and industry. It would be difficult to devise a system more effectual than this

one, for the purpose of checking and impeding the progress of industry and population in a new colony. The interests of the colonists and those of the exclusive company, were always at variance; and as the latter possessed such advantages in the unequal contest that it could prescribe the terms of intercourse, the former were compelled, not only to buy dear and sell cheap, but to suffer the mortification of having the increase of their surplus stock discouraged by those very persons to whom, only, they could dispose of their productions.*

In the district of Illinois, the factory, or storehouse, of the Company of the Indies was established at Fort Chartres, near the village of Kaskaskia. The commandant of the fort, and the commissary, or secretary of the company, were, conjointly, invested with power to grant, conditionally, small tracts of land to the French inhabitants of that district. The following is the form in which grants of land were made by these officers, in 1722:—

“Pierre Duque Boisbriant, Knight of the Military Order of St. Louis, and First King’s Lieutenant of the Province of Louisiana, commanding at the Illinois, and Marc Antoine de la Loire des Ursins, Principal Secretary for the Royal Indies Company,—On the demand of Charles Danie, to grant him a piece of land five arpents in front, on the side of the Mitchiagamia river, running north and south, joining to Michel Philip on one side, and on the other to Meleque, and in depth east and west to the Mississippi.—In consequence they do grant to the said Charles Danie (in soccage) the said land; whereon he may, from this date, commence working, clearing, and sowing, in expectation of a formal concession, which shall be sent from France, by Messieurs the Directors of the Royal Indies Company: And the said land shall revert to the domain of the said company, if the said Charles Danie do not work thereon within a year and a day.

May 10, 1722.†

BOISBRIANT,
DES URSINS.”

On the 22nd of June, 1722, Boisbriant and Des Ursins granted to the missionaries of Cahokia and Tamarois, “a tract of four leagues of land square, bounded on the west by the Mississippi, including the adjacent islands, beginning a quarter

* Robertson’s Am., 371.—Smith’s Inquiry, ii, 171.

† Am. State Papers, Public Lands, ii, 167.

of a league above the little river of Cahokia, and extending south and east for quantity."

In the month of March, 1724, Louis XV, king of France, published an ordinance, which was designed to serve "as a regulation for the government and administration of justice, police, discipline, and traffic in negro slaves, in the province of Louisiana." The following is a translation of this ordinance:—

"LOUIS, by the grace of God, king of France and Navarre, to all present and to come, greeting:—The directors of the Indies Company having represented that the province and colony of Louisiana is extensively settled by a great number of our subjects, who employ negro slaves in the cultivation of the soil, we have deemed it consistent with our authority and justice, for the preservation of that colony, to establish there a system of laws, in order to maintain the discipline of the Apostolic Roman Catholic Church, and to regulate the estate and condition of slaves in the said country. And, desiring to provide therefor, and show our subjects residing there, and those who may settle there in future, that, although they dwell in regions infinitely remote, we are always present to them by the extent of our sovereignty, and by our earnest study to yield them aid: for these reasons, and others moving us thereto, by the advice of our Council, and from our certain knowledge, plenary power, and royal authority, we have enacted, ordained and decreed, and do enact, ordain, and decree, in our will and pleasure, as follows:

ARTICLE I.—The edict of the late king Louis XIII, of glorious memory, dated the 23d of April, 1615, shall be in force in our province and colony of Louisiana; in the execution of which, we enjoin the directors general of said company, and all our officers, to remove from said country all the Jews who may have taken up their abode there—the departure of whom, as declared enemies of the christian name, we command within three months, including the day when these presents are published, under pain of forfeiture of their bodies and estates.*

*In the charter which was granted by James I to the colonists of Virginia, on the 23d of May, 1609, the English monarch said, "We do hereby declare that it is our will and pleasure that none be permitted to pass in any voyage from time to time to be made into the said country, but such as first shall have

ART. II.—All slaves who may be in our said province, shall be educated in the Apostolic Roman Catholic religion, and be baptised. We command those colonists who purchase slaves recently imported, thus to have them instructed and baptised, within a reasonable time, under pain of an arbitrary fine. We charge the directors-general of said company, and all our officers, to enforce this strictly.

ART. III.—We prohibit any other religious rites than those of the Apostolic Roman Catholic Church; requiring that those who violate this, shall be punished as rebels, disobedient to our commands. We prohibit all meetings for this purpose: such we declare to be unlawful and seditious assemblages, subject to the same penalties inflicted upon masters who shall permit or suffer it with respect to their slaves.

ART. IV.—No overseers shall be set over the negroes to prevent their professing the Apostolic Roman Catholic religion, under pain of forfeiture of such slaves by the masters appointing such overseers, and of arbitrarily punishing the overseers who shall have accepted said superintendance.

ART. V.—We admonish all our subjects, of every rank and condition, to observe, scrupulously, Sundays and holydays. We prohibit their laboring or causing their slaves to labor, on those days, (from the hour of midnight to the following midnight,) in the culture of the soil, or any other service, under penalty of a fine and arbitrary punishment to be inflicted upon the masters, together with forfeiture of those slaves who shall be detected by our officers at work. Reserving to them, nevertheless, the privilege of sending their slaves to market.

ART. VI.—We prohibit white subjects of both sexes, from contracting marriages with the blacks, under pain of punishment and an arbitrary fine; and we prohibit all chaplains of vessels, priests, and missionaries, whether secular or regular, from solemnizing marriages between them. We also prohibit our white subjects, as well as blacks affranchised, or born free, from living in a state of concubinage with the slaves; enacting

taken the oath of supremacy." This order was made to prevent the settling of Catholics in the colony of Virginia; from which colony, in 1642, all Catholic priests were ordered to depart in five days.—Vide HENING'S STATUTES, i, page 269.

that those who shall have had one or more children by such cohabitation, shall be severally condemned, as well as the master permitting it, to pay a fine of three hundred livres. And, if they are masters of the slaves by whom they shall have such children, we decree that, beside the fine, they be deprived both of the slave and children, who shall be adjudged the property of the hospital of the district, without the capacity of subsequent enfranchisement. Provided, that this article is of none effect, when the black man, either freeborn or manumitted, who was not married during such cohabitation with his slave, shall espouse her according to the forms prescribed by the church; which act shall enfranchise her and make her children free and legitimate.

ART. VII.—The solemnities prescribed by the ordinance of Blois, and the edict of 1639, in case of marriages, shall be observed in respect as well to free persons as to slaves, without any necessity for the consent of the father or mother of the slave: that of the master being only essential.

ART. VIII.—We expressly prohibit parish priests from proceeding to solemnize marriages between slaves, if they do not make apparent the consent of their masters. We forbid, also, the employment, by masters, of any compulsion with their slaves, to marry them against their inclination.

ART. IX.—Children springing from marriages between slaves shall be slaves, and shall belong to the masters of the wives, and not to those of the husbands, if the husbands and wives are owned by different persons.

ART. X.—We decree, that if the husband be a slave and the wife a free woman, their children, both male and female, shall follow the condition of the mother and be free like herself, notwithstanding the slavery of the father: and, if the father be free and the mother a slave, the offspring shall be slaves likewise.

ART. XI.—Masters shall be obliged to inter in holy ground, within the cemeteries set apart for that purpose, their slaves who have been baptised; and with regard to those slaves who die without baptism, they shall be buried at night, in some field adjacent to the place of their decease.

ART. XII.—We prohibit the wearing of any offensive arms, or heavy clubs, by the slaves, under pain of the lash, and the

forfeiture of such arms for the benefit of him who may find the slaves in possession thereof: excepting therefrom those who may be sent to the chase by their masters, and such as may be bearers of the letters or well-known marks of their masters.

ART. XIII.—We prohibit, in like manner, the gathering together of slaves belonging to different masters, in the day or night time, under the pretense of attending weddings, or otherwise, at the abode of their masters, or elsewhere, either in the highways or in by-places, under pain of corporal punishment by whipping and branding: and, in case of repeated offenses, and other circumstances of aggravation, they may be punished with death, at the discretion of the judges. We enjoin all our subjects to pursue such offenders, arrest and conduct them to prison, although they be not regular officers, nor have any warrant for such offenders.

ART. XIV.—Masters who shall be convicted of having permitted or suffered such assemblies, composed of other than their own slaves, shall be sentenced in their own proper names to repair every damage suffered by their neighbors on account of said gatherings, and a fine of thirty livres for the first offense, and double that amount for a repetition thereof.

ART. XV.—We prohibit slaves from exposing to sale in market, or carrying to particular houses for the purpose of sale, any sort of commodity, either of fruits, greens, firewood, herbs, or cattle-feed, or any species of grains, or other merchandise, cloths or goods, without express permission from their masters, evidenced by a pass, or well-known marks, under pain of having the articles sold, reclaimed by their masters without restoration of the price, and a fine of six livres for their benefit, as against the purchasers of the fruits, greens, firewood, herbs, fodder, or grain: decreeing in relation to merchandise, cloths, or goods, that the delinquent purchasers be sentenced to pay a fine of fifteen hundred livres toward the expense, damage, and interest, and that they be prosecuted to the last extremity as thievish receivers.

ART. XVI.—We decree, for this purpose, that two persons shall be appointed as supervisors over each market, by the officers of the superior council, or by the inferior justices, to examine the wares and merchandise brought there by slaves,

together with the letters and marks of their masters which they may bear.

ART. XVII.—We allow all our subjects inhabiting that country to seize every thing with which they may find said slaves laden, when they are without any passes or known marks of their masters: the articles seized to be delivered forthwith to their masters, if their residence be near the place where the slaves have been detected in fault; otherwise they shall be sent to the nearest storehouse of the company, there to remain on deposit until the masters shall be notified thereof.

ART. XVIII.—It is our will that the officers of our superior council in Louisiana shall furnish an opinion as to the quantity of food, and the quality of clothing, it is proper for masters to furnish their slaves (which food must be furnished in each week and clothing in each year) in order that we may enact a statute thereupon. In the mean time, we permit said officers to regulate, by express provision, said food and raiment—interdicting the giving of any kind of spiritous liquors by masters to said slaves in lieu of said victuals and clothing.

ART. XIX.—We forbid, in like manner, their releasing themselves from the charge of feeding and supporting said slaves by permitting them to labor a certain day in the week on their own account.

ART. XX.—Slaves who are not fed, clad, and maintained by their masters, may give notice thereof to the procureur-general of said council, or the officers of the inferior courts, and place their complaints in their hands: upon which, and even of their own accord, if the notice shall have come to them in some other way, the master shall be prosecuted on the motion of the said procureur-general without cost—which course we direct to be pursued in case of crimes and cruel treatment of slaves by their masters.

ART. XXI.—Slaves enfeebled by old age, sickness, or otherwise, whether the debility be incurable or not, shall be maintained and supported by their masters; and, in case they have abandoned them, said slaves shall be quartered upon the nearest hospital, to which their masters shall be condemned to pay eight sous per day for the maintenance and support of each slave—for the payment of which sum said hospital shall have

a lien upon the plantations of said masters, into whose possession soever they may pass.

ART. XXII.—We declare slaves to be incapable of holding any thing which may not belong to their masters, and all things obtained through their own industry or the liberality of other persons, or otherwise, by what title soever, to be acquired as the property of the masters, without enabling the children of said slaves, their parents, relatives, or any others, to assert any right thereto, by succession, by donation when alive, or *causa mortis*: such transfers we declare null, together with all the promises and obligations made by them, as being contracted by a race incapable of transferring and contracting by their own free will.

ART. XXIII.—It is our will, nevertheless, that the masters should keep whatever the slaves have earned by their direction, together with the materials with which they have carried on employment and traded in their workshops in that particular branch of business to which their masters have appointed them; and in case their masters shall have given them no such direction or appointment, they shall be bound only to an equivalent to that which shall have resulted to their advantage; and if nothing has so resulted, the substance belonging to said slaves, which their masters may have suffered them to accumulate, shall be reserved, after the masters have deducted of their own choice whatever is owing to them. It is otherwise if the property consisted, in whole or in part, of merchandise with which slaves had permission to traffic on shares—upon which their masters can only come in for contribution, at the rate of one sous upon every livre, with the other creditors.

ART. XXIV.—Slaves shall not be eligible for office, nor any commission exercising a public function, nor for appointment as agents by others, except by their masters, to carry on and manage any business; nor as umpires, or supervisors; neither can they be witnesses in civil or criminal cases, unless they are absolutely necessary, and only through a want of white testimony; but in no case can they serve as witnesses either for or against their masters.

ART. XXV.—Slaves can not be parties, nor the subjects of judgment, in any civil case, either as plaintiffs or defendants; nor civil parties in a criminal matter—allowing their masters

to sue and defend for them in a civil case; and to prosecute, in a criminal one, the redress of any grievances and injuries which shall have been committed toward their slaves.

ART. XXVI.—Criminal prosecutions may be had against slaves without the necessity of making their masters parties, except in case of accomplices; and the slaves accused shall be judged in the first instance by the ordinary judges, if there are any at that place, and by appeal to the council upon the same process, and with the same formalities, as in cases of free persons, except as hereinafter mentioned.

ART. XXVII.—The slave who shall have struck its master, mistress, the husband of its mistress, or their children, so as to bruise, draw blood, or upon the face, shall be punished with death.

ART. XXVIII.—And as to the abuse and violence which shall be offered by slaves to free persons, we decree that they be punished severely therefor, even unto death, if there be occasion.

ART. XXIX.—Certain thefts, as those of horses, mares, mules, oxen, or cows, committed by slaves or by free negroes, shall be punished with a rigorous penalty, even that of death, if the occasion require it.

ART. XXX.—The stealing of sheep, goats, swine, poultry, grain, cattle-feed, peas, beans, or other greens and provisions, perpetrated by slaves, shall be punished, according to the degree of the offense, by the judges, who may, if there be occasion, sentence such slaves to be whipped with rods by the executioner of the high court, and branded with a fleur de lis.

ART. XXXI.—Masters shall be obliged, in case of theft or other injury committed by their slaves, (besides the corporal punishment inflicted upon them,) to repair the wrong in their own names, unless they prefer delivering the slave over to the injured party—upon one of which courses they must decide within three days, otherwise they shall lose their option.

ART. XXXII.—The fugitive slave who shall have run away for the space of one month, counting from the day on which his master shall have reported him to the court, shall have his ears cut off, and be branded with a fleur de lis upon one shoulder; and if he repeat the offense for the space of another month, including in like manner the day of his being informed

against, he shall be hamstrung and branded with a fleur de lis upon the other shoulder; and the third offense shall be punished with death.

ART. XXXIII.—We decree that slaves who have endured the punishment of the lash, of branding, and of ear-lobbing, shall be tried, in cases of the last resort, by the ordinary judges, and executed without it being necessary for such judgments to be confirmed by the superior council, notwithstanding the provisions in the twenty-sixth article of these presents, which have reference only to judgments sentencing to death or to hamstringing.

ART. XXXIV.—Negroes, freeborn or manumitted, who shall harbor in their dwellings fugitive slaves, shall be sentenced to bodily service for the master in a fine of thirty livres for each day of such harboring; and other free persons who shall have afforded such a refuge, in a fine of ten livres for each day of such harboring: and, on failure of such negroes either manumitted or freeborn to pay, on account of inability, they shall be reduced to slavery and sold; and if the proceeds of the sale exceed the fine, the surplus shall be given over to the hospital.

ART. XXXV.—We freely permit our subjects in said country, who shall have runaway slaves in any place whatsoever, to institute a search through such persons or in such manner as they deem proper, or to make such search themselves as shall seem best.

ART. XXXVI.—The slave condemned to death upon the accusation of his master, who shall not be an accomplice in the crime, shall, before execution, be appraised by two respectable inhabitants, to be nominated for that duty by the judge, and the amount of the appraisement shall be paid—to satisfy which our superior council shall tax upon the head of every negro the sum fixed by the appraisement, which shall be proportioned to all the said negroes, and levied by those appointed for that purpose.

ART. XXXVII.—We prohibit all officers of our said council, and other officers of justice settled in said country, from taking any cost-fee in criminal proceedings against slaves, under the penalties visited upon extortion.

ART. XXXVIII.—We prohibit all our subjects in said country, of every rank and condition, from putting their slaves, or

causing them to be put by their authority, to the torture or rack, under any pretense whatsoever, or from inflicting or causing to be inflicted any mutilation of the limbs, under penalty of forfeiting the slaves and being prosecuted to the last extremity—permitting them only, when they believe their slaves deserve it, to have them tied up and whipped with rods or cords.

ART. XXXIX.—We direct our officers of justice, residing in said country, to prosecute by criminal process masters or overseers who shall have killed their slaves or mutilated their limbs while in their power or under their direction, and to punish the murder according to the heinousness of the offense; and, in case there may be cause for pardon, we permit the acquittal of both master and overseer—without this, they must obtain from us letters of free pardon.

ART. XL.—We decree that slaves be accounted movables, and, as such, be embraced in the community—that there can be no claim by mortgage upon them—that they be divided equally among the heirs without respect to jointure or right of seniority—and that they be not subject to common jointure, to hereditary or feudal redemption, to feudal or seignorial rights, to the formality of decrees, nor to the partition of the *four-fifths* in case of transfers *causa mortis*, or testamentary.

ART. XLI.—We do not mean, nevertheless, to deprive our subjects of the power of treating them as property belonging to their persons, and to those of their family and race, so that they may be used instead of sums of money, or other movable things.

ART. XLII.—The forms prescribed by our ordinances and by the custom of Paris, for the seizure of movable property, shall be observed in the seizure of slaves—decreeing that the proceeds accruing therefrom be distributed in the order of the seizures; and, in case of insufficiency, at the rate of one sous upon the livre, after privileged debts shall have been paid—and, generally, that the condition of the slave may be regulated as other movable property.

ART. XLIII.—We decree, nevertheless, that the husband, his wife, and their children under age, can not be seized and sold separately, if they are all within the power of one and the same master, declaring void seizures and separate sales which

may be made of them. This rule, it is also our will, should govern in voluntary sales, under a penalty to be inflicted on those effecting such sales of surrendering that one or those over whom they had control, who are adjudged to the purchasers without their being compelled to pay any remainder due upon the price of sale.

ART. XLIV.—It is also our will that slaves of the age of forty years and upward to that of sixty, attached to the lands and tenements and engaged in actual labor there, shall not be seized for any other debts than what may be due upon the price of their original purchase, unless the lands and tenements were actually seized; in which case we direct that they be included in the actual seizure, and prohibit, as nullities, all proceedings by actual distress and adjudication by decree upon the lands and tenements without embracing slaves of the aforesaid age engaged there in actual service.

ART. XLV.—The farmer or lessee of lands or tenements actually distrained, slaves included, shall be liable to pay over the consideration money of his lease, without reckoning among the profits collected those children who may be born of slaves during the term of his said lease.

ART. XLVI.—We decree, notwithstanding all articles to the contrary, which we hereby repeal, that the aforementioned children may be retained by the party suffering the distress, if the creditors are satisfied in some other way, or to the highest bidder if he interpose a decree; and, for this purpose, mention shall be made in the last advertisement of the intervention of said decree, of the children born of slaves since the actual distress, as well as of slaves deceased since that distress in which they were included.

ART. XLVII.—To avoid the expenses and delays of process, we decree that the distribution of the whole cost of the adjudication, relating equally to the real estate and the slaves, and what may accrue upon the expenses of an equitable decision, shall be made among the creditors according to the precedence of their liens and mortgages, without making any distinction of that which is for the price of the slaves; and not even the feudal and manorial claims are to be discharged except in proportion to the real estate.

ART. XLVIII.—The kindred and feudal seignors shall not

be permitted to redeem the lands decreed, sold at auction, or voluntarily, unless they also redeem the slaves sold jointly with those lands upon which they have been engaged in actual labor—nor are the highest bidders or purchasers to retain the slaves without the lands.

ART. XLIX.—We direct all guardians, both noblemen and commoners, tenants, lessees, and others enjoying the profits of lands to which are attached slaves who labor thereupon, to govern them in a parental manner: in consideration of which they shall not be compelled, after their term of management has expired, to account for those who have died, or been enfeebled by sickness, old age or otherwise, without fault of theirs; but they may not retain as profits for their advantage the children born of said slaves during their term of administration, whom we direct to be maintained and given up to those who are their owners and proprietors.

ART. L.—Masters of the age of twenty-five years may manumit their slaves by any act between the living, or *causa mortis*: and meantime, as masters are often found sufficiently mercenary to fix the liberty of their slaves at a certain price, frequently leading them thereby to commit theft and robbery, we prohibit all persons, of what rank or condition soever, from affranchising their slaves without having obtained permission therefor by decree from our said Superior Council, which permission shall be granted without cost, when the reasons assigned by the master appear legitimate. We pronounce manumissions made in future without these permissions void, and the persons manumitted incapable of profiting by them, or being recognised as free: we ordain, on the contrary, that they may be held, accounted, and reputed, slaves—that their masters may be deprived of them, and they be confiscated to the benefit of the Indies Company.

ART. LI.—We decree, nevertheless, that slaves who shall have been appointed by their masters guardians of their children, may be considered and accounted as we consider and account those for persons affranchised.

ART. LII.—We declare affranchisements made according to the forms heretofore prescribed, to be equivalent to nativity in our said province of Louisiana; and that the persons so affranchised do not require our letters of naturalization in order to

enjoy the privileges of the native born subjects of our kingdom, lands, and countries within our sovereignty, although they be born in foreign lands. We nevertheless declare the aforesaid affranchised persons, together with the free negroes, incapable of receiving from the whites any gift, as between the living, *causa mortis*, or otherwise: decreeing that if any should be made, they are void, and they may be appropriated to the nearest hospital.

ART. LIII.—We command affranchised persons to act with the greatest respect toward their former masters, toward their widows, and toward their children; insomuch that any injury they may do them shall be punished more severely than if committed against any other persons; the directors being always free and clear as regards them of all other charges, duties, and profitable services to which their former masters would have laid claim, as well upon their persons as upon their goods and inheritances, in the relation of masters.

ART. LIV.—We grant to persons affranchised the same rights, privileges, and immunities, enjoyed by those born free: decreeing that the blessings of liberty thus purchased, shall effect for them, as well with respect to their persons as their property, the same objects that result from the advantage of natural freedom to our other subjects: and all this, notwithstanding the exceptions specified in article fifty-second of these presents.

ART. LV.—We declare those confiscations and fines of which no particular appropriation has been made by these presents, to belong to the said Indies Company—to be paid over to those who superintend the receipt of the taxes and revenues: decreeing, nevertheless, that one-third part of said confiscations and fines be set apart for the benefit of the hospital nearest to the place where they shall have been decreed.

So we proclaim as a mandate to our well-beloved and trusty servants composing our Superior Council in Louisiana, that they cause these presents to be read, published, and registered, to guard what is contained therein, and observe them according to their form and tenor—all ordinances, declarations, decrees, regulations, and usages to the contrary notwithstanding, which we have repealed, and do hereby repeal by these presents. For such is our pleasure. And in order that this may be made firm and binding, we have caused our seal to be affixed thereto.

Given at Versailles, in the month of March, in the year of Grace one thousand seven hundred and twenty-four.

(Signed) LOUIS.*

The pacific relations which were maintained between England and France, from 1713 to 1744, were favorable to the growth of the French and English colonies in North America; but the grasping policy of the Company of the Indies was steadily opposed, and in some instances defeated, by the Spaniards of Florida, and by the tribes of Indians who inhabited the country lying on the borders of the Mississippi river south of the 36th degree of north latitude. In the year 1729, the French settlements about the post of Natchez, and those on the Yazoo and Washita rivers, were destroyed by the Natchez Indians. These settlements, collectively, contained within their limits about seven hundred colonists, of whom "scarcely enough survived to carry the tidings of destruction"† to New Orleans. In the course of the next year, 1730, the Natchez Indians, as a nation, were exterminated by the French. Hundreds were massacred; a few sought refuge among the Chickasaws, and were adopted into that tribe; and some were taken by their conquerors, and reduced to a condition of slavery. These acts of injustice and oppression were the last memorable events that signalized the administration of the Company of the Indies in North America.

*Le Code Noir ou Recueil de Reglemens, p. 281.

†Flint.

CHAPTER VI.

FRENCH COLONIES IN THE WEST.

WHEN the Company of the Indies gave up their charter, on the 10th of April, 1732, the government of France resumed the administration of affairs in the province of Louisiana. The governor-general, and the intendant of the province, jointly, were authorized to grant lands to settlers; and all grants of lands which were made to white persons by Indians, or others, without the sanction of these officers, were void. M. D'Artuguiette was appointed "commandant-general for the king, for the district of Illinois," and a small military force was stationed at Fort Chartres. A code of laws, entitled the common law of Paris, was nominally, but never effectively, extended over the district of Illinois. Many parts of that code were not adapted to the unsettled state of the colony; and even those general laws which were suitable to the condition and pursuits of the people, were not enforced with strictness, nor with uniformity. The commandants of the different posts, severally, exercised an arbitrary authority over the French population within their respective jurisdictions; but the government that was administered by this class of officers, was neither oppressive nor complex.

The Company of the Indies had engaged, in the prosecution of its designs, the services of several men of education, talents, and enterprise. After the failure of the projects of the company, some of this class of adventurers returned to France; others settled in Canada; and a very small number remained in the district of Illinois. The more numerous class of colonists who had been attracted to this district, were poor and illiterate persons. Few of them were qualified to engage, successfully, either in agricultural, mechanical, or commercial pursuits; "and when the dreams of sudden wealth, with which they had been deluded, faded from before them, they were not disposed to engage in the ordinary employments of enlightened industry. The few who were engaged in mercantile pursuits, turned their

attention almost exclusively to the traffic with the Indians, while a large number became hunters and boatmen.”*

The missionary Du Poisson, who, in 1727, wrote an account of the French settlements in the Mississippi valley, said:—“They call a *grant* a certain extent of territory *granted* by the India Company to one person alone, or to many who have formed together a partnership to clear the lands, and make them valuable. These were the persons who, in the days of the great Mississippi bubble, were called the counts and the marquisses of Mississippi. Thus the grantees are the aristocracy of this country. The greater part have never left France, but have equipped ships filled with directors, stewards, store-keepers, clerks, workmen of different trades, provisions, and goods of all kinds. Their business was to penetrate into the woods, to build their cabins there, to make choice of lands, and to burn the canes and trees. These beginnings seemed too hard to people not accustomed to such kind of labor. The directors and their subalterns, for the most part, amused themselves in places where there were some French already settled; there they consumed their provisions; and the work was scarcely commenced before the grant was entirely ruined. The workman, badly paid, or badly fed, refused to labor, or else seized on his own pay, and the stores were plundered. Was not all this perfectly French? But this was in part the obstacle which has prevented the country from being settled, as it should have been, after the prodigious expense which has been lavished upon it. They call a plantation a small portion of land granted by the company. A man, with his wife, or his associate, clears a small section, builds him a house with four forked sticks, which he covers with bark, plants some corn and rice for his food; another year he raises more provisions, and begins a plantation of tobacco; and if finally he attains to the possession of three or four negroes, behold the extent to which he can reach. This is what they call a plantation and a planter. But how many are as wretched as when they commenced? They call a settlement a section in which there are many plantations not far distant from each other, forming a kind of village. Beside these grantees and planters, there are also

* Hall.

in this country, people who have no other business than that of vagabondizing.”*

The Chickasaws had, for a long time, obstinately opposed the advancement of the French settlements on the borders of the river Mississippi, between New Orleans and the mouth of the river Ohio; and the steady hostility of this tribe of Indians, was one of the principal obstacles which prevented a regular and safe communication between Canada and the southern French settlements in Louisiana. The civil and military authorities of these provinces, therefore, determined to concentrate a strong force in the country of the Chickasaws, in order to subdue the power of that hostile tribe. In the year 1736, about two hundred French recruits and four hundred Indians, moved from the place of rendezvous in the Illinois district, and, under the command of M. D'Artuguiette, passed down the river Mississippi, to form a junction with another military force which had been recruited, under Bienville, at the south. Francis Morgan de Vincennes, an officer of the king's troops, who was about that time, according to some authorities, the commandant of a small post on the river Wabash, was among those who went with D'Artuguiette, on his expedition against the Chickasaws. The French and Indian forces which had been recruited at the south, under Bienville, did not reach the appointed place of rendezvous, at the time which had been fixed, to form a junction with the Illinois forces; and D'Artuguiette and Vincennes, without waiting for the arrival of the expected reinforcements, commenced active hostilities by attacking and destroying some small villages which were inhabited by a few of the hostile Indians. The Chickasaw warriors soon assembled in considerable numbers, and defeated their assailants. About forty Frenchmen, and eight of their Indian allies, were killed in the conflict; and several of the invading party were captured, and afterward burnt at the stake. Among those who perished in this expedition, was M. de Vincennes, who “ceased not until his last breath to exhort the men to behave worthy of their religion and their country.”†

The expedition which marched from the south, under Bien-

* Kip's *Early Jesuit Missions*, p. 233.

† Charlevoix.

ville, was forced to retreat; and the French, soon afterward, were constrained to conclude a treaty of peace with the Chickasaws. During a period of about twelve years, succeeding the conclusion of this treaty, no event of great importance occurred to affect the peace or the general condition of the French settlements in the west. The war which broke out between England and France, in 1744, and lasted until the treaty of Aix-la-Chapelle, in 1748, involved in its struggles the French and the English colonies situated near the Atlantic coast; but the tranquillity of the isolated French population in the Illinois country, was not materially disturbed by the events of this remote warfare.

The treaty of Aix-la-Chapelle did not settle the controversy that then existed between England and France, in relation to the boundaries of their respective possessions in North America. While England claimed the right of extending her dominions indefinitely westward of her possessions on the Atlantic coast, France claimed the whole valley of the Mississippi; and, from 1748 to 1760, opposed all the attempts which were made by the English to establish settlements on the western side of the Allegheny mountains.

As early as 1716, governor Spotswood, of the colony of Virginia, proposed a plan for forming a company to settle the lands on the borders of the river Ohio; but the plan was not carried into effect, mainly because the English ministry, at that time, were indolent and timid, and "afraid of giving umbrage to the French."*

From the time of the failure of this plan until the year 1748, the English made no direct attempts to extend their trade or their settlements as far westward as the river Ohio; although, in the year 1729, Mr. Joshua Gee published an ingenious discourse on trade, in which he earnestly urged the British government to adopt the policy of planting colonies westward as far as the Mississippi, and on the rivers falling into it.† The French, however, continued to maintain their missionary stations, and their trading posts, in the west. By this means they hoped, not only to fortify the power of France in this region, but to exclude the English from any communication or traffic

*Smollet, ii, 125.

†Anderson's History of Commerce.

with the Indian tribes then inhabiting the country lying westward of the Allegheny mountains. The commercial spirit of the French did not, however, keep pace with their ambition. They could not supply all the wants of the western Indians; some of whom, therefore, had recourse to the English settlements. The intercourse which was thus opened, induced some British merchants and traders to attempt to establish a regular traffic with the Indians who dwelt on the borders of the Ohio and its tributaries; and, as early as the year 1740, it seems that some traders went, from the colony of Virginia, "among the Indians on the Ohio and tributary streams, to deal for peltries."* In the year 1748, for the first time, a treaty of alliance and friendship was concluded at Lancaster, in the province of Pennsylvania, between the English authorities and certain Indian deputies, who represented twelve villages of the Twightwees, or Miamis, situated "on or about the river Wabash." The following is a literal copy of the first treaty that was made between the English authorities and Indians who inhabited the country lying on the borders of the river Wabash:—

"Whereas at an Indian treaty held at Lancaster, in the County of Lancaster in the Province of Pennsylvania on Wednesday the twentieth Day of July instant Before the Honorable Benjamin Shoemaker Joseph Turner and William Logan Esquires by Virtue of a Commission under the Great Seal of the said Province dated at Philadelphia the sixteenth Day of the said month Three Indian Chiefs Deputies from the Twightwees† a Nation of Indians scituate on or about the river Ouabache a Branch of the River Mississippi viz. Aquenackqua Assepansa Natocequeha appeared in Behalf of themselves and their Nation‡ and prayed that the Twightwees might be admitted into the Friendship and Alliance of the King of Great Brittain and his Subjects, professing on their parts to become true and faithful Friends and Allies to the English and so for ever to Continue, and Scayroyiady Cadarianirha Chiefs of the Oneida Nation, Suchrachery of the Seneka Nation, Cani-inceodon Cunlyuchqua Echnissia of the Mohocks * * * Dawacheamickye Dominy Buck Ossoghqua of the Shawanese and Nenat-

*Gordon's History of Pennsylvania.

†Miamis.

‡These Deputies represented twelve towns.

chiehon of the Delawares * * * * * all of them Nations in Friendship and Alliance with the English becoming Earnest Intercessors with the said Commissioners on their Behalf the Prayer of the said Deputies of the Twightwees was Granted and a firm Treaty of Alliance and Friendship was then stipulated and Agreed on Between the said Commissioners and the said Deputies of the Twightwee Nation as by the Records of Council remaining at Philadelphia in the said Province may more fully appear. Now these Presents Witness and It is hereby declared That the Said Nation of Indians called the Twightwees are accepted by the said Commissioners as Good Friends and Allies of the English Nation and That They the said Twightwees and the Subjects of the King of Great Britain shall forever hereafter be as One Head and One Heart and live in true friendship as one people. In consideration whereof the said Aquenackqua Assepansa Natoequeha Deputies of the said Twightwee Nation do hereby in Behalf of the said Nation Covenant Promise and Declare That the several people of the said Twightwee Nation or any of them shall not at any time hurt Injure or Defraud or Suffer to be hurt Injured or Defrauded any of the Subjects of the King of Great Britain either in their persons or Estates, But shall at all times readily Do Justice and perform to them all acts and offices of Friendship and Goodwill. Item: That the said Twightwee Nation by the Alliance aforesaid becoming Intitled to the priviledge and protection of the English Laws They shall at all times behave themselves Regularly and Soberly according to the laws of this Government whilst they shall live or be amongst or Near the Christian Inhabitants thereof. Item: That none of the said Nation shall at any time be Aiding Assisting or Abetting to or with any Other Nation whether of Indians or Others that shall not then be in Amity with the Crown of England and this Government. Item: That if at any time any of the said Twightwee Nation by means of Evil Minded Persons and Sowers of Sedition should hear of any Unkind or Disadvantageous Reports of the English, as if they had Evil Designs Against Any of the said Indians, In such case such Indians shall send Notice thereof to the Governor of the Province for the Time Being and shall not Give Credit to the Reports till by that means They shall be fully satisfied of the Truth thereof.

And It is Agreed That the English in such case shall do the same by them.—In Testimony whereof as well the said Commissioners as the said Deputies of the Twightwee Nation have Smoked y^e Calumet Pipe made mutual Presents to each Other and hereunto sett their Hands and Seals the Twenty-third Day of July in the Year of Our Lord one thousand seven hundred and Forty-Eight, and in the Twenty-second Year of the Reign of George the Second King of Great Brittain France and Ireland Defender of the Faith &c.”

The treaty was “signed, sealed, and delivered in the presence of Richard Peters, Secretary, Conrad Weiser, Interpreter, Andrew Montour, Interpreter, Geo. Croghan, Jon. Forsythe, Conrad Doll, Michael Hubby, Andrew Parit, Tho. Cookson, Peter Warrall, Ed. Smout, Adam Simon Kuhn, David Stout, and Geo. Smith.”

In the year 1748, Thomas Lee, one of the King's Council in Virginia, formed a project of planting English settlements on lands west of the Allegheny mountains, through the agency of a chartered company. Mr. Lee associated himself with Mr. Hanbury, a merchant of London, and with twelve other persons, some of whom resided in Virginia; others were residents of Maryland. The association, thus formed, was called the Ohio Company. A petition was presented to the king, George II, in behalf of the members of this company; and, in 1749, they received a grant of about half a million of acres of land, lying on and near the borders of the river Ohio. The grantees were also invested with an exclusive privilege of trading with the western Indian tribes.

From the time at which the English made permanent settlements in North America till the organization of the Ohio Company, the British colonial policy was, in no small measure, favorable to the interests of agriculture and manufactures; while, during the same period, the unsettled, grasping, and magnificent policy of France, gave to those important branches of industry no beneficial encouragement in the French colonies. Even as late as the year 1734, a number of the French inhabitants of the fertile country about Detroit, reported to the governor-general of Canada, that they “had not dared to undertake any clearings, and establish farms, because they had no titles

which could secure them the property thereof.”* In the course of half a century, these different systems of colonial government contributed, mainly, to produce a great difference, in relation to the strength and resources, respectively, of the English and the French colonies in North America. The white population of the former, in the year 1749, was estimated at one million and fifty-one thousand; while that of the latter was computed at fifty-two thousand souls.† Notwithstanding this inequality of numbers, the French immediately began to adopt active measures, for the purpose of opposing and defeating the movements and designs of the Ohio Company. The contest between France and England, for the sovereignty of the regions lying west of the Allegheny mountains, was then beginning to assume a warlike appearance; and the American colonial authorities of these two nations, were, severally, inclined to look with favor on every enterprise, or project, that seemed adapted, by design, to fortify the claims of their respective governments.

In the year 1749, several English traders passed westwardly over the Allegheny mountains and opened a traffic with some of the Indian tribes, whose trade, before that time, had been monopolized by the French. In the course of the same year, the governor-general of Canada sent out an expedition, under the command of Louis Celeron, for the purpose of exploring the country between Detroit and the Allegheny mountains, depositing medals, with appropriate inscriptions, at the mouths of the principal rivers and other important places, and thus taking formal possession of the country in the name of Louis XV, king of France. On the 16th of August, 1749, Celeron and his party were encamped at the mouth of the river Muskingum.

On the 17th of January, 1750, Mr. Hamilton, who was then governor of the English colony of Pennsylvania, laid before his council a letter from Captain Celeron. In this letter, which was dated at the site of an old Shawanee village, on the banks of the river Ohio, Celeron stated that he was surprised to find English traders, from Pennsylvania, in a country to which

*American State Papers, Public Lands, vol. i, p. 251.

†His. of British Empire in North America.—Marshall's Col. His., p. 279.

England never had any claim; and he requested the governor to forbid their future intrusion, and to advise them of their danger in trespassing on the territories of France.* The governor-general of Canada wrote, soon afterward, to the governors of New York and Pennsylvania, official letters, in which he informed those officers that, as the English inland traders had encroached on the French territories and privileges, by trading with Indians who were under the protection of France, he would cause such persons to be seized wherever they could be found, if they did not immediately desist from that illicit practice.†

These threatening letters did not, however, prevent the directors of the Ohio Company from prosecuting their designs. They employed an agent, Christopher Gist, "to explore the country, examine the quality of the lands, keep a journal of his adventures, draw as accurate a plan of the country as his observation would permit, and report the same to the board" of directors. In the course of the years 1750, 1751, and 1752, Mr. Gist, Dr. Walker, of Virginia, and other British subjects, explored the country, southwesterly, as far as the falls of the river Ohio, and northwardly several miles up the valleys of the Scioto and the Miami rivers. On the 13th of June, 1752, at a place called Loggstown, which was situated on the river Ohio, about eighteen miles below the confluence of the Monongahela and Allegheny rivers, Colonel Fry and two other commissioners on the part of Virginia, obtained a promise from some Indians, that they would not "molest any settlements that might be made on the southeast side of the Ohio." Some time in the course of the same year, certain agents of the Ohio Company established a trading-house in the country of the Twightwees or Miamis. This trading-house was built at a point which lies about forty-seven miles north of the town of Dayton, in the State of Ohio. While the English were thus making preparations to take possession of the lands on the borders of the Ohio, the French were adopting measures for the erecting of forts at Presq' Isle on lake Erie, at Le Boeuf on the western branch of French creek, and at Venango, on the Allegheny, at the mouth of French creek.

* Minutes of Council of Pennsylvania.

† Smollett, ii, 125.

CHAPTER VII.

ENGLISH AND FRENCH MOVEMENTS IN THE WEST.

IN the year 1753, the government of England, foreseeing that its controversy with France, concerning the territories lying westward of the Allegheny mountains, could be settled only by the sword, earnestly urged the English colonies in America to form a union. Preparations were made, in Virginia, to raise a military force for the protection of the frontiers; the general assembly of that colony passed an act for the encouragement of settlers on the waters of the Mississippi; and, in 1753, Major GEORGE WASHINGTON was sent, by Governor Dinwiddie, to the west as the bearer of an official letter to the commandant of the French forces in this quarter. The letter, which required the French forces to withdraw from the dominions of Great Britain, was delivered, by WASHINGTON, to M. Le Guarduer de St. Pierre, who was the commandant of a post on the western branch of French creek. The French officer, in reply to the message from the governor of Virginia, said that "it was not his province to specify the evidence and demonstrate the right of the king, his master, to the lands situated on the river Ohio, but he would transmit the letter to the Marquis du Quesne, and act according to the answer he should receive from that nobleman. In the mean time, he said, he did not think himself obliged to obey the summons of the English governor—that he commanded the fort by virtue of an order from his general, to which he was determined to conform with all the precision and resolution of a good officer."*

At this time the French had in their possession several forts or trading posts, scattered throughout the great valley of the Mississippi. Kaskaskia, Cahokia, Vincennes, the post of Arkansas, Natchitoches on Red river, and Natchez on the Mississippi, were all trading-posts of some importance, while New Orleans, Mobile, and Detroit, had become places of considera-

* Smollett.

ble commerce. From these various points the influence of the French was disseminated among the Indians; and, while the Six Nations, and a branch of the Miamis, were almost the only Indian allies of the English, the French were connected by ties of interest and friendship with nearly all the tribes of the north and west.*

The Miami villages which stood at the head of the river Maumee, the Wea villages which were situated about Ouiatenon, on the Wabash river, and the Piankeshaw villages which stood on and about the site of Vincennes, were, it seems, regarded by the early French fur traders as suitable places for the establishing of trading-posts. It is probable, that, before the close of the year 1719, temporary trading-posts were erected at the sites of Fort Wayne, Ouiatenon, and Vincennes. These points had, it is believed, been often visited by traders before the year 1700.

The descendants of the early French settlers on the border of the river Wabash have preserved a traditional account of the making of a grant of a large tract of land, in the year 1742, by the Indians in that quarter, for the use of the French inhabitants of Post Vincennes.† In the year 1794, and again in 1817, the French residents of Vincennes made some fruitless efforts to obtain, from the government of the United States, an acknowledgment of the validity of this old Indian grant. They stated, in a memorial which was laid before the senate of the United States, that their ancestors, natives of France, came at a very early period of the eighteenth century, under the authority and protection of France, to establish themselves in trade and commerce with the natives who possessed and inhabited the country on the river Wabash; that the Indians granted to them a large portion of territory to promote the objects of their establishment; that, from the time of their settlement on the borders of the Wabash, for the greater part of the eighteenth century, they held quiet and undisturbed possession of their lands; and that their right was never questioned by any power or authority whatever. They said that among

* Frost's U. S., 170.

† The Indian village at the site of Vincennes was called Chip-kaw-kay. The French post has been called, by various writers, Post Vincennes, Post Vincent, St. Vincent, Au Poste, etc.

the early settlers were found men of the first rank in the nation from which they emigrated; that, some being opulent, and many in comfortable circumstances, they were able not only to support themselves in the enjoyments which the blessings of a fine climate and abundant means placed within their reach, but also to provide employment and plentiful means of subsistence for "boatmen and others under their care." The memorial further stated, that the early French settlers, thus situated, were "contented and happy—never troubling, by their conduct or importunities, the various governments under which, by the vicissitudes of human events, they were placed."

In 1749, a church or mission was established, under the charge of the missionary Meurin, at the Piankeshaw village, which stood at the site of Post Vincennes. In the course of the next year, 1750, a small fort was built at that place; and another light fortification was erected, about the same time, at the mouth of the Wabash river. The white population of Vincennes was considerably increased in the course of the years 1754, 1755, and 1756, by the arrival of emigrants from Kaskaskia, Detroit, Canada, and New Orleans.

In the spring of the year 1754, Major Washington received orders, from the governor of Virginia, to proceed with a detachment of two hundred men to the point at the confluence of the Monongahela and Allegheny rivers, and there to complete a fort which the Ohio Company had begun to build.* The attempt that was made to execute this order was defeated by the French. M. Contrecoeur, a French officer, who had under his command a force consisting of about one thousand men, with eighteen pieces of cannon, passed down the Allegheny river from Venango, early in the spring of 1754, and

* Governor Dinwiddie issued a proclamation inviting the people to enlist in the service against the French, and, as an inducement, promised that the quantity of two hundred thousand acres of land should be laid out and divided among the adventurers, when the service should be at an end. One hundred thousand acres of land was to be laid out at the confluence of the Allegheny and Ohio rivers; and the other one hundred thousand acres on the Ohio. On the appearance of this proclamation, Mr. Hamilton, the governor of Pennsylvania, wrote to Governor Dinwiddie reminding him that the proposed grants of lands, and the settlements which might be made thereon, should not be made use of to prejudice the right of the province of Pennsylvania to the territories about the upper waters of the river Ohio.

landed, on the 17th of April, with his French and Indian warriors, at the point which Washington had been ordered to fortify. After driving off a small detachment of Virginia militia under the command of Captain Trent, and a few workmen who were engaged at that place in the service of the Ohio Company, the French erected Fort du Quesne. This fort was completed in the month of April, 1754.

About the close of the year 1754, there were, in the country lying northward of the river Ohio, seventeen French posts, viz: two on French creek; du Quesne; Sandusky; Miamis, on the river Maumee; St. Joseph, on the St. Joseph of lake Michigan; Pontchartrain, at Detroit; Michilimacinac; Fox river, of Green bay; Crevecœur, and Rockfort or Fort St. Louis, on the river Illinois; Vincennes; mouth of the Ohio; mouth of the Wabash; Cahokia; Kaskaskia; and mouth of the Missouri.*

Between the years 1749 and 1754, the French and their Indian allies captured several English traders on the borders of the river Ohio, seized their peltries and other commodities to the value of twenty thousand pounds sterling,† and took possession of a blockhouse and truckhouse, which the agents of the Ohio Company had erected on the banks of the Ohio at Loggstown. The Twightwees or Miamis, in resentment of these injuries done to their English allies, captured three French traders, and sent them, as prisoners, to the English authorities of Pennsylvania. In the year 1752, the English trading-post on Loramie's creek‡ was taken by the French and their Indian allies, who killed fourteen of the Twightwees in order to punish that tribe for their temporary alliance of friendship with the English. In November, 1752, Governor Dinwiddie, of Virginia, sent a friendly message to the Twightwees. In this message, which was written on a sheet of parchment about eight inches square, the governor said: "I received your belt of wampum and scalp by the bearer, Thomas Burney, and your speeches, with a beaver blanket, pipe, and belt of wampum, by Captain Trent and Mr. Montour. It has given

* Present state of North America, London ed., 1755.—N. A. Rev., xlix, 70.—Annals of the West, 41.

† Rider's History, xl, 71.—Smollett, ii, 152.

‡ Situated on one of the head branches of the Great Miami—lat. north 40° 16' and lon. west 7° 15'.

me great concern for the late stroke that you have received from the Indians in the interest of the French, and of their barbarous murdering of your people." The message was signed by "Dinwiddie," and addressed to the "*Sachems and warriors of the Twightwees, our friends and brethren.*"

When Washington, acting under the instructions of the governor of Virginia, visited the headwaters of the river Ohio, in 1753, he was informed, by some French boatmen, that the French had in their possession, at that time, four small forts on the banks of the river Mississippi, between New Orleans and Fort Chartres, in the district of Illinois. At New Orleans there were "thirty-five companies, of forty men each, with a pretty strong fort, mounting eight carriage guns;" and in the Illinois district, there were "several companies, and a fort mounting six guns." The Frenchmen also informed Washington, that there was a "small palisadoed fort" on the river Ohio, at the mouth of the Wabash.

In the year 1754, a plan was proposed, by Dr. Benjamin Franklin, for establishing strong English colonies in the territory northwest of the river Ohio, to prevent "the dreaded junction of the French settlements in Canada with those of Louisiana." Dr. Franklin proposed to plant one colony in the valley of the river Scioto; and to erect small fortifications at Buffalo creek, on the Ohio; at the mouth of Tioga, on the south side of lake Erie; at Hockhocking; and at or near the mouth of the Wabash river. He also advocated the policy of taking "Sandusky, a French fort near lake Erie;" and proposed that "all the little French forts south and west of the lakes quite to the Mississippi, be removed, or taken and garrisoned by the English." "Every fort," he said, "should have a small settlement around it; as the fort would protect the settlers, and the settlers defend the fort, and supply it with provisions."*

In the month of May, 1754, while the Virginia forces were approaching Fort du Quesne, the commandant of that post, M. De Villiers, sent the Sieur de Jumonville, at the head of a small party, with a formal summons to Washington, requiring him to withdraw, with his forces, from the territories of

*Franklin's Writings, edited by Sparks, iii. '70.

France. This small detachment of French troops was attacked, on the 28th of May, by the Virginians under Washington, at a place called the Little Meadows. Jumonville was slain; and of his followers, some were killed, and others captured. Soon after this event, De Villiers, at the head of a force of about nine hundred men, consisting of French and Indians, moved from Fort du Quesne to attack the Virginians. Washington, who had, at this time, only about three hundred men under his command, retreated to a place called the Great Meadows; and, at that place, on the first of July, began to fortify a rude post, to which he gave the name of Fort Necessity.*

This post was attacked by the French and Indians, on the 3d day of July, 1754. After Washington had made a gallant defense of his position, he agreed to capitulate on terms which were proposed by De Villiers. The conduct of the French commanding officer was, on this occasion, honorable and magnanimous. It was stipulated, in the articles of capitulation, that Washington, with his weak detachment, should march from the fort with the honors of war, and carry with them their military stores, baggage, and all their arms, with the exception of the artillery. De Villiers, in giving an account of the taking of Fort Necessity, says:—"On the 4th [of July], at the dawn of day, I sent a detachment to take possession of the fort. The garrison defiled; and the number of their dead and wounded excited my pity, in spite of the resentment which I felt for the manner in which they had taken away the life of my brother."†

* The site of Fort Necessity at the Great Meadows is three or four hundred yards south of what is now called the National Road, four miles from the foot of Laurel Hill.—BUTLER.

† This remark alludes to the death of the *Sieur de Jumonville*.

CHAPTER VIII.

BRADDOCK'S EXPEDITION.

WHEN information was received in England, concerning the erection of Fort du Quesne, and the defeat of the Virginia forces under the command of Washington, the British government immediately determined to engage, vigorously, in a war against France. The English colonies in America were directed to take up arms, and to act, with united exertions, against the French in North America.

In February, 1755, Major-General Edward Braddock arrived at Alexandria, in Virginia, with the forty-fourth and forty-eighth regiments of British Regulars, commanded by Sir Peter Halket and Colonel Dunbar. On his arrival in Virginia, Braddock immediately began to make preparations to carry a strong expedition against Fort du Quesne; and, on the 12th of June, having received a reinforcement of about one thousand provincial troops, he began his march from Will's creek (afterward called Fort Cumberland),* with an army which amounted to somewhat more than two thousand effective men. General Braddock was a strict disciplinarian, and a man of courage; but he was "very haughty, positive, and difficult of access."† These latter qualities contributed in no small degree to bring about the disastrous and fatal defeat which he encountered on this expedition. When his army reached the Little Meadows, about four days' march from Fort du Quesne, he was informed that the French, at that fort, were expecting the arrival of a reinforcement of five hundred regular troops. On receiving this information, Braddock left Colonel Dunbar, with about eight hundred men, to bring up the provisions, stores, and heavy baggage, as fast as the nature of the service would permit; and with the other twelve hundred men, together with ten pieces of cannon and the necessary ammunition, he "marched on with so much expedition, that he seldom took time to reconnoiter the woods or the thickets he was to pass through, as if

*About one hundred and five miles east from Pittsburgh.

† Smollett.

the nearer he approached the enemy the farther he was removed from danger.”* He pressed forward with his forces, and on the 9th of July, recrossed the Monongahela, at a fording place about eight miles from Fort du Quesne. Colonel Washington, Sir Peter Halket, and other officers, had earnestly entreated General Braddock to proceed with caution, and to employ, as scouting parties, some friendly Indians who had joined them. But his conceit of his abilities as a commander induced him to neglect these counsels; and the Indians, who would have been his safest guards against an ambush or surprise, “were so disgusted by the haughtiness of his behavior, that most of them forsook his banners.”

After crossing the Monongahela on the 9th, the army entered upon “a level plain, elevated but a few feet above the surface of the river, and extending northward about half a mile from its margin; then commenced a gradual ascent, at an angle of about three degrees, which terminated in hills of a considerable height at no great distance beyond. The road to Fort du Quesne led over this plain, and up this ascent.” Colonel Dunbar was at this time about forty miles behind Braddock. Leaving the English forces in these positions, it is necessary to turn, for a moment, to regard the operations of the French.

Early in July, the commandant of Fort du Quesne received, from Indian and French scouts, information which led him to believe that the army under General Braddock amounted to three thousand men. M. Contrecoeur was preparing to evacuate the fort, and retreat before a force which he supposed to be so greatly superior to that which was then under his own command; but M. de Beaujeu, a captain in the French service, “proposed to head a detachment of French and Indians, and meet the enemy on their march.” The Indians were, in some degree, opposed to this design; but the entreaties of M. de Beaujeu finally induced them to accompany him. He was also joined by Captains M. Dumas and Liguery. The 7th and 8th days of July were passed in making preparations for the attack; and, on the 9th, a force consisting of about two hundred and fifty French, and six hundred Indians, lay in ambush, seven miles from Fort du Quesne, on the borders of the route

* Smollett.

which Braddock had determined to follow after crossing the Monongahela.

The English forces, after crossing the river on the 9th, were formed in three divisions, which was the order of march. The division in advance, led by Colonel Gage, was composed of three hundred men; this was followed by a division of two hundred men; and next came the general with the columns of artillery, the main body of the army, and the baggage. After these divisions passed the plain, which extended a few hundred yards from the river, their route lay over an ascending ground covered with trees and high grass. At the commencement of this ascent began a ravine, eight or ten feet deep, which, as it extended up the rising ground, "formed a figure nearly resembling that of a horse-shoe." The first and second divisions, under Braddock, had passed into this hollow, and the British columns in advance had reached the rising ground, when the French and Indians, from their places of concealment, poured a destructive fire upon the front and the left flank of their enemy. The English columns in front returned a fire so heavy that the Indians, thinking it proceeded from artillery, began to waver. M. Beaujeu was at this moment mortally wounded, and the command devolved on M. Dumas. This officer soon removed the fears of the Indians, and, in their mode of warfare, they kept up an incessant fire upon the right and left flanks of the English, while the French force under Dumas maintained its position on the rising ground near the head of the ravine.* When the attack commenced, Braddock began to move rapidly forward to the support of the divisions in front; but before this movement could be effected, the columns in front gave way, and "fell back upon the artillery and the other columns of the army, causing extreme confusion, and striking the whole mass with such a panic, that no order could be restored."†

* The distance from the head of the ravine to the ford where the troops crossed the Monongahela, was about one hundred and eighty-eight perches.

† In a letter to Governor Dinwiddie, Washington wrote as follows:—"It is conjectured, I believe with much truth, that two-thirds of both killed and wounded, received their shot from our own cowardly regulars, who gathered themselves into a body, contrary to orders, ten or twelve deep, would then level, fire, and shoot down the men before them."

Notwithstanding the orders of the general to the contrary, the three companies of Virginia troops took positions behind trees and other coverts, and fought in the Indian manner. These troops "showed a great deal of bravery, and were nearly all killed; out of three companies that were there, scarcely thirty men were left alive. Captain Peyrouny, and all his officers, down to a corporal, were killed. Captain Polson had nearly as hard a fate, for only one of his was left."* Many of the Indians, gaining confidence by the confusion of the British regulars, rushed from their coverts, and carried on the carnage with their tomahawks. In the midst of the slaughter, Braddock himself, who was unwisely brave, struggled in vain to form his men in platoons and columns. In the meantime, nearly all his officers were killed or wounded. The whole number of officers in the engagement was eighty-six, of whom twenty-six were killed, and thirty-seven wounded. Sir Peter Halket fell by the first fire, at the head of his division. Colonel Washington, who was one of the aids of General Braddock, escaped without a wound, though four bullets passed through his coat, and two horses were shot under him.† Braddock had three horses shot under him; but his obstinacy seemed to increase with the danger,‡ and he continued his efforts to maintain the conflict, until at last he received a mortal wound from a musket-ball, which passed through his right arm and lungs. He was immediately carried from the field, and the remnant of the army then retreated in a very disorderly manner across the Monongahela. The Indians, being attracted by the plunder which they found on the field, did not pursue the retreating forces, who continued their flight until they arrived at the camp of Colonel Dunbar, where the unfortunate Braddock died, on the 13th of July, 1755. All the stores, except those necessary for immediate use, were then destroyed; the provincial troops returned to their homes; and the British regulars were marched to Philadelphia, where they went into quarters. In this conflict, the loss of English private soldiers, killed and wounded, amounted to seven hundred and fourteen. Of this number, about one-half were killed. The

* Washington.

† Letter from Washington to his mother, dated July 18, 1755.

‡ Smollett.

artillery, ammunition, and baggage of the defeated army, together with a number of letters of instruction to General Braddock, fell into the hands of the French. The loss on the side of the French was, in the words of an imperfect return, "three officers killed, and four wounded; about thirty soldiers and Indians killed, and as many wounded."

France and Great Britain, soon after the defeat of General Braddock, began to send strong reinforcements from Europe to their respective colonies in America; but during a period of three years succeeding that defeat, the French remained undisturbed in possession of Fort du Quesne. Meanwhile the settlements on the western frontiers of Pennsylvania, Maryland, and Virginia, were destructively assailed by the Indians, and were generally broken up. By an act of August, 1755, the General Assembly of Virginia offered a reward of ten pounds sterling for every scalp of a hostile Indian above twelve years of age.*

In the autumn of the year 1758, the French at Fort du Quesne, having been informed of the approach of seven thousand English troops under the command of General Forbes,† dismantled the fort in the latter part of November, and, "to the number of about five hundred men,"‡ retreated to different French posts in the west. A considerable number went to Venango, some continued their retreat to Presq' Isle, and others moved in boats down the river Ohio. A small detachment of French troops, under the command of M. Massac, was stationed on the Ohio river, at a point which was afterward called Fort Massac.§ The fortifications at Fort du Quesne were hastily repaired by the English, and garrisoned by four hundred and fifty men, chiefly provincial troops from Pennsylvania, Virginia,

*Henning's Stat., vi, 551.

†Before the army under General Forbes was put in motion, Major Grant was detached from the advanced post at Lyal-Hening, with about eight hundred men, to reconnoiter Fort du Quesne and the adjacent country. He imprudently invited an attack from the French and their Indian allies; and the result was that upward of three hundred of the English detachment were killed and wounded, and Major Grant himself was made a prisoner. The remnant of the detachment, which was, probably, saved by the bravery and good conduct of Capt. Bullitt, retreated to the main army.—Vide MARSHALL'S COL. HIS., 322.

‡Washington's Writings ii, 320.

§Martin's Louisiana, i, 333

and Maryland, under the command of Colonel Mercer.* The name of the post was then changed to Fort Pitt.

The retreat of the French from Fort du Quesne gave the English possession of the country on the borders of the Ohio, and at the same time produced an important change in the disposition of the Indian tribes of that region. It had on many occasions been the practice of war parties to assemble at Fort du Quesne, for the purpose of making their destructive attacks on the frontiers of the English colonies; but, finding the current of success to be running against the French, the Indians, during the years 1760, 1761 and 1762, seemed to be willing to reconcile themselves to their powerful and persevering enemies; and before the close of the year 1764, nearly all the tribes that occupied the country between the Ohio and the northern lakes concluded treaties of peace and friendship with the English.

In the month of September, 1759, Quebec, the stronghold of the French in Canada, was taken by the English forces under Generals Wolfe, Monckton, and Townshend. The French forces were commanded by the Marquis de Montcalm. While the battle raged upon the heights of Abraham, Wolfe received a ball in his wrist: he hastily wrapped his handkerchief around the wound, and continued to encourage his troops. A moment afterward a shot entered his groin. This wound he also concealed, and was advancing at the head of his grenadiers with their bayonets fixed, when a third bullet pierced his breast. Finding himself mortally wounded, and unable to stand, he leaned upon the shoulder of a lieutenant who sat down for that purpose. This officer, seeing the French give way, exclaimed "they fly!—they fly!" "Who fly?" cried the dying general, in a tone of great anxiety. When the lieutenant replied "the French," Wolfe said, "then I depart content."† The brave Montcalm was mortally wounded in the battle, and expired on the same day. When told that he could survive only a few hours, he calmly replied, "So much the better: I shall not then live to see the surrender of Quebec."

In this battle the colossal French power in North America received a fatal stroke. The joy of the English colonists was

*Gordon's *His. Pennsylvania*, 368.

†Belsham.—Marshall.—Smollett.

great; and when the news of the surrender of Quebec reached England a day of solemn thanksgiving was appointed by proclamation throughout the dominions of Great Britain.* In the course of the next year, 1760, Montreal, Detroit, Michilimacinae, and all other posts within the government of Canada, were surrendered by the Marquis de Vaudreuil to the English commander-in-chief, General Amherst, on condition that the French inhabitants should, during the war, be "protected in the free exercise of their religion, and the full enjoyments of their civil rights, leaving their future destinies to be decided by the treaty of peace."

A definitive treaty of peace between France and England, was concluded at Paris, on the 10th of February, 1763. The preliminary articles of the treaty had been adjusted and signed on the 3d of November, 1762. France, by this treaty, ceded to Great Britain not only Nova Scotia, Canada, and all their dependencies, but it was agreed, in order to establish peace on solid and durable foundations, and to remove for ever all subjects of dispute with regard to the British and French territories on the continent of North America, that the confines between the dominions of Great Britain and those of France, on this continent, should be fixed irrevocably "by a line drawn along the middle of the river Mississippi from its source to the river Ibberville, and from thence by a line drawn along the middle of this river, and the lakes Maurepas and Ponchartrain, to the sea;" and for this purpose France ceded in full right and guarantied to Great Britain, the river and port of Mobile, and every thing she possessed on the left side of the river Mississippi, except the town of New Orleans and the island on which it is situated. The navigation of the Mississippi was to be open and free in its whole length and breadth, from its source to the Gulf of Mexico, and particularly that part which is between the island of New Orleans and the right bank of the river, as well as the passage in and out of its mouth. The vessels of the subjects of the high contracting parties were not to be stopped, visited, nor subjected to the payment of any duty whatsoever.†

In the month of November, 1762, France, by a secret con-

*Smollet.

†American State Papers, vol. x, 135.

vention, ceded all that part of Louisiana which lay westward of the river Mississippi to Spain. The province was to be delivered whenever Spain should be ready to receive it: but this was not officially announced to the inhabitants of Louisiana, until the 21st of April, 1764; nor did Spain receive possession until the 17th of August, 1769.*

CHAPTER IX.

PONTIAC'S WAR.

IN the fall of the year 1760, after Canada and its dependencies had been surrendered to the English, Major Robert Rogers, at the head of a considerable force, was dispatched from Montreal, by General Amherst, to take possession of Detroit and Michilimacinae—which posts, according to the conditions of the capitulation, were to be given up by the French commandants, and to be garrisoned by detachments of British soldiers. The forces under the command of Major Rogers were the first English troops that ever penetrated into that region. On his route from Montreal to the western part of lake Erie, Major Rogers was received in a friendly manner by different tribes of Indians, who appeared to be gratified on hearing that the French had surrendered the country; but, on drawing near to Detroit, the English forces received a message from Pontiac, an Ottawa† chief of distinction, requesting them to stop until he should arrive at their camp and “see them with his own eyes.” The messengers were also directed to represent their chief as the master and ruler of the country which the English had then entered. The troops were drawn up, and Pontiac soon arrived at their encampment. After the first salutation, he sternly demanded of Rogers to tell him the

* Rayn. ix, 222, 235.

† Captain Jonathan Carver, who visited Detroit in 1766, says, perhaps erroneously, that Pontiac “was an enterprising chief or head warrior of the Miamis.”—CARVER'S TRAVELS, 96.

business on which the English had come, and how they had dared to venture on *his* territories without his permission? Major Rogers, who was a prudent officer, replied that he had no design against the Indians, and that his only object was the removal of the French, who had been the means of preventing mutual friendship and commerce between the Indian tribes and the English. He then offered a present of several belts of wampum. Pontiac received them, and gave Major Rogers a small string of wampum, saying, "I shall stand, till morning, in the path you are walking," meaning by this expression that the English detachment must not advance any farther without his permission. Before this conference was closed, he told Major Rogers that his warriors should bring some food to the English camp, if the soldiers were in want of it. The major replied, that those who would bring provisions to his camp, should receive fair prices for them. The troops were soon afterward supplied with several bags of parched corn and other necessities.

On the next morning Pontiac appeared in the English camp. He smoked the pipe of peace with Major Rogers, and declared that he thereby made peace with the British officer and his troops. He then told them that they should pass safely through his territories, and that his warriors should protect them from all hostile tribes. These were no idle promises. Pontiac accompanied Major Rogers to Detroit. He sent about one hundred Indian warriors to the assistance of a corps of troops who were driving a large number of cattle from Fort Pitt to Detroit for the use of the English forces. He also dispatched messengers to several Indian towns, avowedly to inform the Indians that the English had his consent to march through the country and take possession of the posts which had been occupied by the French.

If the favors which Pontiac at first dispensed to the English were bestowed with sentiments of friendship, the disposition of the chief was soon changed. The feelings of implacable hostility with which he began to regard the English in 1762, may be traced, first, to the influence of the French, who had been, for many years, the friends and allies of his tribe;* and,

* Peace had not then been definitely concluded between France and England; and while some of the French in the west aided and directed the

secondly, to the sullen and domineering temper of the English themselves.*

In the course of the year 1762, while the Indians seemed to be satisfied with the subjugation of the French, and the British traders were beginning to carry on a traffic among the tribes that dwelt between the lakes and the Ohio, Pontiac and his partisans were secretly organizing a powerful confederacy, by means of which it was their intention to crush, at a single blow, the English power in the west. This great scheme was skillfully projected and cautiously matured. Among the different tribes reports were circulated of a design formed by the English for the entire extirpation of the Indians.† Early in the spring of 1763, the Ottawas, Chippewas, Pottawattamies, Sacs, Foxes, Menominies, Miamis [Twightwees], Shawanees, Wyandots, and branches of some other tribes, were ready to make a simultaneous attack on all the British forts and trading-posts in the country northwest of the Allegheny mountains. The attack was made in the month of May, 1763; and the Indians, without much opposition, took possession of the posts of Michilimacinac, Green bay, St. Joseph, Ouiatenon, Miamis, Sandusky, Presq' Isle, Lebcœuf, and Venango. With the exception of Michilimacinac, the fortifications at these places were then slight, being trading-posts, and not properly military establishments. A small number of English traders about these posts were killed, some escaped, and others were taken prisoners, and remained in captivity until they were ransomed or released on the return of peace. The post of St. Joseph, where there was a garrison of fourteen men, commanded by Lieutenant Schlosser, was surprised and captured by a party of

bold genius of Pontiac, others remained in a state of neutrality. While addressing a grand council of Indians assembled at the river Aux Ecorces, Pontiac told them that the Great Spirit had appeared to a Delaware Indian and spoke to him thus: "Why do you suffer these dogs in red clothing [the English] to enter your country and take the land I gave you? Drive them from it, and then, when you are in distress, I will help you." Pontiac also exhibited to the Indians a war-belt, which he said the French king had sent over from France, ordering them to drive out the British and make way for the return of the French.—CASS—LANMAN—THATCHER.

* Some of the Ottawa Indians had been disgraced by blows received from the English.—CASS.

† Dodsley's An. Reg. for 1763, vi, 23.

Pottawattamie Indians, on the 25th of May; and Fort Miamis, with a garrison of nine soldiers, capitulated to the Indians on the 27th of May, after the death of the commandant, Ensign Holmes. The small garrison at Ouiatenon, commanded by Lieutenant Jenkins, surrendered to the Indians, on the 1st of June; and the French traders, who lived in the vicinity of that post, received the English prisoners into their houses. The British garrisons at Detroit and Fort Pitt successfully resisted the attacks of the enemy; but the confederacy of hostile Indians made amends for these failures by spreading death and devastation along the western frontiers of the provinces of New York, Pennsylvania, Maryland, and Virginia.*

The fort at Michilimacinae, distant three hundred and twenty miles from Detroit, stood on the south side of the strait between the lakes Huron and Michigan. There was connected with the fort an area of two acres. This area was inclosed with cedar-wood pickets, extending on one side so

* "There is most melancholy News here. The Indians have broken out in divers places, and have murdered Col. C. and his Family. An Indian has brought a War belt to Tusquerora, who says that Detroit was invested, and St. Dusky cut off. All Levy's goods are stopped at Tusquerora by the Indians; and last Night eight or ten men were killed at Beaver Creek. We hear of scalping every Hour. Messrs. Cray and Allison's Horses, twenty-five, loaded with Skins, are all taken."—Letter dated 'Ft. Pitt, May 31,' 1763.

"Last night I reached this place. I have been at Fort Cumberland several days, but the Indians having killed nine people there, made me think it prudent to remove from those parts, from which I suppose near five hundred families have run away within this week. It was a most melancholy sight to see such numbers of poor people, who had abandoned their settlement in such consternation and hurry, that they had scarcely any thing with them but their children."—Letter dated 'Winchester, Virginia, June 22d,' 1763.

"I returned home last night. * * There has been a good deal said in the papers, but not more than is strictly true. Shippensburgh and Carlisle are now become our frontiers, none living at their plantations but such as have their houses stockaded. Upwards of two hundred women and children are now living in Fort Loudoun, a spot not more than one hundred feet square. I saw a letter from Col. S. late of the Virginia Regiment to Col. A. wherein he mentions that Great-Brier and Jackson's River are depopulated—upwards of three hundred persons killed or taken prisoners; that for one hundred miles in breadth and three hundred in length, not one family is to be found in their plantations; by which means there are near twenty thousand people left destitute of their habitations."—Letter dated 'Philadelphia, July 27th,' 1763.—Vide THATCHER'S INDIAN BIOG. ii, 113.

near to the edge of the water that a western wind sometimes drove the waves against the foot of the stockade. There were within the limits of the inclosure about thirty small houses inhabited by French families. The only ordnance on the bastions of the fort were two small brass pieces. The garrison consisted of ninety men, besides two subalterns, and Major Etherington,* the commandant. The task of capturing this fort had been allotted to the Sacs and the Chippewas, and the warriors of these tribes effected their object by means of a very ingenious stratagem. Nearly four hundred Indian warriors were encamped at Michilimacinae, and on the 4th of June, which was the birthday of George III, these Indians began to amuse themselves by playing at a favorite game of ball, which they called "baggatiway." This game is played with a bat and ball, the bat being about four feet long, curved, and terminating in a sort of racket. Two posts are placed in the ground at the distance of half a mile or more from each other. The Indians are then divided into two parties, and each party has its post. On the ground, midway between the two posts, is placed the ball; and the players then endeavor to knock or throw it *from* the direction of their own post, and *toward* the post of their adversaries. The Indians played for some time with great animation, near the pickets of the fort, and part of the garrison went out to observe the progress of the game. In the ardor of the contest, the ball was sometimes, apparently by accident, thrown over the stockade. At such moments it was followed by numbers of both parties, who ran into and out of the fort with freedom. This artifice was repeated several times, when, finally, as the ball was thrown over the pickets, the Indians rushed into the inclosure and took possession of the fort. A furious attack was then made on the English soldiers, seventy of whom were killed and scalped.† The remainder, being about twenty men, were saved as prisoners.

* Some time before the attack was made on the fort, this officer was informed of the hostility of the Indians; but he would not believe the report.

† Lanman's His. of Michigan, 143.—Captain Carver says: "The Indians had the humanity to spare the lives of the greatest part of the garrison and traders; but they made them all prisoners, and carried them off. However, some time after, they took them to Montreal, where they were redeemed at a good price."—CARVER'S TRAVELS, 13.

Early in the month of May, Pontiac appeared before Detroit at the head of three or four hundred warriors. These Indians, who were accompanied by their women and children, encamped near the fort, without exciting at first any suspicion in the mind of Major Gladwyn, the commandant. The post was then garrisoned by one hundred and thirty men, including officers.* Three rows of pickets, enclosing about an acre and a half, surrounded the fort, in the form of a square. There were block-houses at the corners, and over the gates. With a few exceptions, the houses of the French inhabitants were situated within the enclosure; and an open space, which was called by the French *Le chemin du Ronde*, intervened between the houses and the pickets. The fortifications did not extend to the river Detroit, but a gate opened in the direction of that stream, in which, near the fort, the Beaver, an armed English schooner, was then moored. The ordnance of the fort consisted of two six-pounders, a few small brass pieces, and three mortars.

Such was the condition of affairs about Detroit, on the 8th of May, 1763, when Pontiac proposed to hold a council with Major Gladwyn, saying to that officer, that "the Indians desired to take their new father, the king of England, by the hand." To this proposal, Major Gladwyn gave his assent, and it was agreed between the parties that the council should be held in the fort on the next day. In making this apparently friendly overture, it was the object of Pontiac to gain admittance into the fort, at the head of a number of warriors, who were armed with rifles, which had been made so short that they could be concealed under the blankets of those who carried them. At a particular signal, which was to be given by the chief, these Indians were to massacre all the officers in the fort, and then open the gates to admit the other Indians, who were to rush in and complete the destruction of the garrison. Major Gladwyn obtained information of this scheme before an opportunity occurred to execute it. "Carver states—and his account is substantially confirmed by tradition, as well as by other author-

*In addition to this number, there were several English fur-traders at Detroit. The value of the goods and commodities stored at this place, when Pontiac commenced his attack, has been estimated at five hundred thousand pounds sterling.

ities*—that an Indian woman betrayed the secret. She had been employed by the commandant to make him a pair of mocasins out of elk-skin, and having completed them, she brought them into the fort on the evening of the day when Pontiac made his appearance, and his application for a council. The major was pleased with them, directed her to convert the residue of the skin into articles of the same description, and having made her a generous payment, dismissed her. She went to the outer door, but there stopped, and for some time loitered about, as if her errand was still unperformed. A servant asked her what she wanted, but she made no answer. The major himself observed her, and ordered her to be called in, when, after some hesitation, she replied to his inquiries, that as he had always treated her kindly, she did not like to take away the elk-skin, which he valued so highly; *she could never bring it back*. The commandant's curiosity was, of course, excited, until the woman at length disclosed every thing which had come to her knowledge. Her information was not received with implicit credulity, but the major thought it prudent to employ the night in taking active measures for defense. His arms and ammunition were examined and arranged; and the traders and their dependents, as well as the garrison, were directed to be ready for instant service. A guard kept watch on the ramparts during the night, it being apprehended that the Indians might anticipate the preparations now known to have been made for the next day. Nothing, however, was heard after dark, except the sound of singing and dancing in the Indian camp, which they always indulge in upon the eve of any great enterprise. In the morning, Pontiac and a party of his warriors repaired to the fort. They were admitted without hesitation, and were conducted to the council-house, or the place assigned for the meeting, where Major Gladwyn and his officers were prepared to receive them. They perceived at the gate, and as they passed through the streets, an unusual activity and movement among the troops. The garrison was under arms, the guards were doubled, and the officers were

* Vide Thatcher's Indian Biog., ii, 93.—Lanman's His. Michigan, 122.—Drake, book v, c. iii, p. 53.—McKenney's "Tour to the Lakes," 130.—Discourse of Governor Cass.—Carver's Travels, 97.

armed with swords and pistols. Pontiac inquired of the British commander what was the cause of this unusual appearance. He was answered, that it was proper to keep the young men to their duty, lest they should become idle and ignorant. The business of the council then commenced, and Pontiac proceeded to address Major Gladwyn. His speech was bold and menacing, and his manner and gesticulations vehement, and they became still more so as he approached the critical moment. When he was upon the point of making the preconcerted signal, the drums at the door of the council-house suddenly rolled the charge, the guards levelled their pieces, and the British officers drew their swords from their scabbards. Pontiac was a brave man; but this unexpected and decisive proof that his plot was discovered, disconcerted him, and he failed to give his party the signal of attack. Major Gladwyn immediately approached the chief, and drawing aside his blanket, discovered the shortened rifle; and then, after stating his knowledge of the plan, and reproaching him for his treachery, ordered him from the fort. The Indians immediately retired; and, as soon as they had passed the gate, they gave a yell, and fired upon the garrison. They then proceeded to the commons, where was living an aged English woman, with her two sons. These they murdered, and afterward repaired to Hog Island, where a discharged sergeant resided with his family, who were all but one instantly massacred."

During three or four days immediately succeeding these events, the Indians made several attempts to carry the fort by storm. At one time, a cart, filled with combustible materials set on fire, was wheeled up against the pickets; at another time the besiegers were about to set fire to the chapel by shooting blazing arrows upon its roof; but the warriors of the wilderness gave up this intention when they were told by a Jesuit missionary that such an act would bring down upon them the condemnation of the Great Spirit. The assailants made several attempts to cut away the pickets, so as to make a breach. On one occasion, when such an attempt was made, Major Gladwyn ordered his men to assist the Indians in cutting away some of the pickets. This was done; and when an opening was made, the Indians began to rush into it; but they were suddenly and destructively repulsed by the discharge of a

brass four-pounder which had been brought to bear upon the breach. After this repulse, the assailants did not, at any time, make a close assault upon the fort:* but they maintained a pretty close siege throughout the months of May, June, July, and August, during a part of which time the English garrison were compelled to subsist on half rations. About the 31st of May, Lieutenant Cuyler, who had been dispatched from Niagara, arrived at Point Pelee with ninety-seven men, manning twenty small boats laden with provisions and stores for the garrison at Detroit. A few hours after the arrival of the English party at this place, they were surprised and defeated by a band of Pontiac's warriors, who took possession of all the boats, except one, in which an officer and thirty men escaped. Of the remainder of the party, some were killed, and others captured. The prisoners were then compelled to navigate the boats, in each of which the Indians placed a guard; and thus the vessels, keeping close to the Canadian shore, moved up the Detroit river, attended by a considerable number of warriors, who marched along the banks. When the foremost boat arrived at a point nearly opposite to Detroit, four prisoners who were manning the boat determined to effect their escape or to perish in the attempt. They suddenly changed the course of the boat, and began to force her across the stream and toward the fort. The Indian guards, who attempted to stop them, after a short struggle leaped overboard, dragging with them one of the prisoners. The three who remained in the boat were fired on by the Indians, and one of the fugitives was wounded; but an armed vessel lying before Detroit opened a fire upon the Indians, and thus covered the retreat of the Eng-

*We have been besieged here two Months, by Six Hundred Indians. We have been on the Watch Night and Day, from the Commanding Officer to the lowest Soldier, from the 8th of May, and have not had our Cloaths off. nor slept all Night since it began; and shall continue so till we have a Reinforcement up. We then hope soon to give a good Account of the Savages. Their Camp lies about a Mile and a half from the Fort; and that's the nearest they choose to come now. For the first two or three Days we were attacked by three or four Hundred of them; but we gave them so warm a Reception that they don't care for coming to see us, tho' they now and then get behind a House or Garden and fire at us about three or four Hundred yards' distance."—LETTER FROM DETROIT, dated July 6, 1763.

lish boatmen until they reached the vessel. The Indians then landed the boats, and took the rest of the prisoners to Hog Island, where nearly all of them were put to death.

In the early part of June, a strong detachment of Indians left the siege and proceeded to Fighting Island, for the purpose of intercepting a vessel laden with arms and provisions for the relief of the garrison at Detroit. The Indians in their canoes, annoyed the English vessel very much, until the latter reached the point of the island, where, on account of the wind failing, she was compelled to anchor. To deceive the Indians in regard to the strength of his crew, the captain had concealed his men in the hold. Soon after dark the Indians embarked in their canoes and proceeded to board the vessel. "The men were silently ordered up and took their stations at the guns. The Indians were suffered to approach close to the vessel, when the captain, by a stroke of a hammer on the mast, gave the signal for action. An immediate discharge took place, and the Indians precipitately fled, with many killed and wounded. The next morning the vessel dropped down to the mouth of the river, where she remained six days waiting for a wind. On the thirteenth she succeeded in ascending the river, and reaching the fort in safety."*

Soon after these events occurred, Pontiac made some unsuccessful attempts to destroy the English vessels moored before Detroit. Large rafts, constructed of combustible materials, were towed to a certain position in the river, and there set on fire, with the expectation that the current would carry these burning masses into contact with the vessels.

A fleet of gunboats, strongly armed, and having on board three hundred English regular troops under the command of Captain Dalyell, arrived at Detroit late in the month of July. Soon after the arrival of this reinforcement, a battle was fought between the English and the Indians, at a place which, from the time of the engagement to the present day, has been called "Bloody Bridge." The English commander, in his official returns, gave the following minute account of this affair:—"On the evening of the 30th July, Captain Dalyell, aid-de-camp to General Amherst, being arrived here with the detachment sent

*Thatcher.

under his command, and being fully persuaded that Pontiac, the Indian chief, with his tribes, would soon abandon his design, and retire, insisted with the commandant that they might easily be surprised in their camp, totally routed and driven out of the settlement; and it was thereupon determined that Captain Dalyell should march out with two hundred and forty-seven men. Accordingly we marched, about half an hour after two in the morning, two deep, along the great road by the river side, two boats up the river along shore, with a patteraro in each, with orders to keep up with the line of march, cover our retreat, and take off our killed and wounded; Lieutenant Bean, of the Queen's Independents, being ordered, with a rear guard, to convey the dead and wounded to the boats. About a mile and a half from the fort, we had orders to form into platoons, and, if attacked in front, to fire by street-firings. We then advanced, and, in about a mile farther, our advanced guard, commanded by Lieutenant Brown, of the 55th regiment, had been fired upon so close to the enemy's breast-works and cover, that the fire, being very heavy, not only killed and wounded some of his party, but reached the main body, which put the whole into a little confusion; but they soon recovered their order, and gave the enemy, or rather their works, it being very dark, a discharge or two from the front, commanded by Captain Gray. At the same time, the rear, commanded by Captain Grant, were fired upon from a house, and some fences about twenty yards on his left; on which he ordered his own and Captain Hopkins' companies to face to the left and give a full fire that way. After which, it appearing that the enemy gave way every where, Captain Dalyell sent orders to Captain Grant, to take possession of the above said houses and fences, which he immediately did; and found in one of the said houses two men, who told him the enemy had been there long, and were well apprised of our design. Captain Grant then asked them the numbers; they said above three hundred; and that they intended, as soon as they had attacked us in the front, to get between us and the fort; which Captain Grant told Captain Dalyell, who came to him when the firing was over. And in about an hour after, he came to him again, and told Captain Grant he was to retire, and ordered him to march in the front, and post himself in an orchard. He then

marched, and about half a mile farther on his retreat, he had some shots fired on his flank; but got possession of the orchard, which was well fenced; and just as he got there, he heard a warm firing in the rear, having at the same time, a firing on his own post, from the fences and cornfields behind it. Lieutenant McDougal, who acted as adjutant to the detachment, came up to him, (Captain Grant,) and told him that Captain Dalyell was killed, and Captain Gray very much wounded, in making a push on the enemy, and forcing them out of a strong breastwork of cordwood, and an intrenchment which they had taken possession of; and that the command then devolved upon him. Lieutenant Bean immediately came up, and told him, that Captain Rogers had desired him to tell Captain Grant, that he had taken possession of a house, and that he had better retire with what numbers he had, as he (Captain Rogers) could not get off without the boats to cover him, he being hard pushed by the enemy from the inclosures behind him, some of which scoured the road through which he must retire. Captain Grant then sent Ensign Pauli, with twenty men, back to attack a part of the enemy which annoyed his own post a little, and galled those that were joining him; from the place where Captain Dalyell was killed, and Captain Gray, Lieutenants Brown and Luke, were wounded; which Ensign Pauli did, and killed some of the enemy in their flight. Captain Grant, at the same time, detached all the men he could get, and took possession of the inclosures, barns, fences, etc., leading from his own post to the fort, which posts he reinforced with the officers and men, as they came up. Thinking the retreat then secured, he sent back to Captain Rogers, desiring he would come off; that the retreat was quite secured, and the different parties ordered to cover one another successively, until the whole had joined; but Captain Rogers not finding it right to risk the loss of more men, he chose to wait for the armed boats, one of which appeared soon, commanded by Lieutenant Brehm, whom Captain Grant had directed to go and cover Captain Rogers' retreat, who was in the next house. Lieutenant Brehm accordingly went and fired several shots at the enemy. Lieutenant Abbot, with the other boat, wanting ammunition, went down with Captain Gray. Lieutenant Brown and some wounded men returned also, which Captain Grant supposes the enemy seeing

did not wait her arrival, but retired on Lieutenant Brehm's firing, and gave Captain Rogers, with the rear, an opportunity to come off; so that the whole from the different posts joined without any confusion, and marched to the fort in good order, covered by the armed boats on the water side, and by our own parties on the country side, in view of the enemy, who had all joined, and was much stronger than at the beginning of the affair, as was afterward told us by some prisoners that made their escape—many having joined them from the other side of the river and other places. The whole arrived at the fort about eight o'clock, commanded by Captain Grant, whose able and skillful retreat is highly commended.

“Return of killed and wounded of the several detachments near the Detroit, July 31, 1763:—Of the 55th regiment, one sergeant, thirteen rank and file, killed; one captain, two lieutenants, one drummer, twenty-eight rank and file, wounded. Of the royal Americans, one rank and file killed; one rank and file wounded. Of the 80th regiment, two rank and file killed; three rank and file wounded. Of the Queen's Rangers, two rank and file killed; one rank and file wounded.

“Names of the officers:—55th regiment, Captain Gray, Lieutenant Luke, and Lieutenant Brown, wounded.

“N. B. Captain Dalyell, killed, not included in the above.”*

Soon after this engagement, parties of the Pottawattamie and Huron tribes gave up their prisoners, and expressed a desire for peace. Other bands of Indians who had been engaged in the siege, retired disheartened to their villages and hunting-grounds; but the uncompromising hostility of Pontiac kept the English garrison at Detroit in a state of suspense until the spring of 1764.

During the months of June and July, 1763, Fort Pitt was closely besieged by different war parties, consisting, generally, of Shawanees and Delaware warriors. But Captain Ewyer† and the garrison defended themselves, until they were reinforced, early in August, by the arrival of several companies of regular troops under the command of Colonel Bouquet. This force, consisting of about five hundred men, on its march from

* Drake, b. v: c. iii, p. 55.

† Gordon's His. Pa., 399.—“Ecuyer.”—Dodsley's An. Register, for 1763.

Carlisle to Fort Pitt, was attacked by a large number of Indians, near a stream called Bushy Run. The assailants were defeated with a loss of about sixty warriors killed. The loss of the English was about fifty killed, and sixty wounded. On the fourth day succeeding this battle, the British troops reached Fort Pitt, and the hostile Indians immediately retreated from the neighborhood of that post; but, throughout the succeeding autumn and winter, they continued in detached parties to wage war against the settlers on the western frontiers of the English colonies. Roused to a high degree of excitement by this destructive warfare, the British authorities determined to adopt strong measures for the punishment and subjugation of the hostile tribes.

In 1764, General Bradstreet, at the head of three thousand men, was ordered to proceed against the Wyandots, Ottawas, Chippewas, and other Indian nations living near the borders of the lakes Erie, Huron, and Michigan. About the same time, another strong force, under the command of Colonel Bouquet, was ordered to march against the Delawares, Shawanees, and other hostile tribes who inhabited the country lying northwest of the river Ohio. In addition to these measures, the governor of Pennsylvania, by a proclamation of the 7th of July, 1764,* offered bounties for the scalps, or capture, of hostile Indians. The bounties were—

For every male above ten years, captured, - - - - -	\$150 00
For every male above ten years, scalped, being killed, - - - - -	134 00
For every female or male under ten years, captured, - - - - -	130 00
For every female above ten years, scalped, being killed, - - - - -	50 00

While General Bradstreet was on his way from Niagara to Detroit, he was met by delegates who bore overtures of peace from many of the northwestern tribes; and soon after his arrival at Detroit, which post he reached without opposition, all the tribes about that region concluded treaties of peace with the English. The chief Pontiac, however, took no part in the pacific negotiations. Having been deceived by the French, overpowered by the English, and deserted by the Indians, he retired to the Illinois country, where he was assassinated in the year 1767.†

* Gordon's His. of Pennsylvania, 438.

† Carver's Travels, 104.

On the 3d day of October, 1764, the forces under Colonel Bouquet, consisting of fifteen hundred men, moved from Fort Pitt, and, on the 25th of the same month, reached the forks of the Muskingum river, where they encamped. At this point, Colonel Bouquet held conferences with the Delawares, Shawanees, and bands of some other tribes. The Indians, who were in an impoverished and feeble state, gave pledges for their good behavior until peace should be fully concluded with Sir William Johnson, the British superintendent of Indian affairs. They also gave up two hundred and six prisoners, men, women, and children. The English forces then returned to Fort Pitt, and a cessation of hostilities was proclaimed on the 5th day of December.*

From this period until the year 1774, the Indians who occupied the country about the borders of the river Ohio, waged no war against the British colonies; although, in the meantime, many English colonists, disregarding the proclamation of the king, the provisions of treaties, the remonstrances of the Indians, and the prohibitory proclamations of the governors of Pennsylvania and Virginia, continued to harass the Indians by making settlements upon their lands, and by killing a considerable number of their men, women, and children.†

On the 30th of December, 1764, General Gage, commander-in-chief of the British forces in North America, having received advices of the pacific disposition of the northwestern Indians, issued the following proclamation affecting the French inhabitants of the Illinois country:

“By his Excellency, Thomas Gage, major-general of the king’s armies, colonel of the 22d regiment, general commanding in chief all the forces of his majesty in North America, etc., etc.

“Whereas, by the peace concluded at Paris, on the 10th of February, 1763, the country of the Illinois has been ceded to his Britannic majesty, and the taking possession of the said country of the Illinois by the troops of his majesty, though delayed, has been determined upon, we have found it good to make known to the inhabitants—

“That his majesty grants to the inhabitants of the Illinois the liberty of the Catholic religion, as it has already been

* Gordon, 437.

† Jefferson’s Notes on Va., 312.—Gordon’s Hist. Pa., 447.

granted to his subjects in Canada; he has consequently given the most precise and effective orders, to the end that his new Roman Catholic subjects of the Illinois may exercise the worship of their religion according to the rites of the Roman church, in the same manner as in Canada;

“That his majesty, moreover, agrees that the French inhabitants, or others, who have been subjects of the most christian king, may retire, in full safety and freedom, wherever they please, even to New Orleans, or any other part of Louisiana, although it should happen that the Spaniards take possession of it in the name of his Catholic majesty; and they may sell their estates, provided it be to subjects of his majesty, and transport their effects, as well as their persons, without restraint upon their emigration, under any pretense whatever, except in consequence of debts or of criminal process;

“That those who choose to retain their lands and become subjects of his majesty, shall enjoy the same rights and privileges, the same security for their persons and effects, and liberty of trade, as the old subjects of the king;

“That they are commanded, by these presents, to take the oath of fidelity and obedience to his majesty, in presence of *Sieur Sterling*, captain of the Highland regiment, the bearer hereof, and furnished with our full powers for this purpose;

“That we recommend forcibly to the inhabitants, to conduct themselves like good and faithful subjects, avoiding by a wise and prudent demeanor all cause of complaint against them;

“That they act in concert with his majesty’s officers, so that his troops may take peaceable possession of all the posts, and order be kept in the country; by this means alone they will spare his majesty the necessity of recurring to force of arms, and will find themselves saved from the scourge of a bloody war, and of all the evils which the march of an army into their country would draw after it.

“We direct that these presents be read, published, and posted up in the usual places.

“Done and given at Head-Quarters, New York. Signed with our hand, sealed with our seal at arms, and countersigned by our Secretary, this 30th December, 1764.

“By His Excellency,
G. MATURIN.”

THOMAS GAGE, [L. s.]

In the month of July, 1765, M. de St. Ange, who was at that time the French commandant in the Illinois, evacuated Fort Chartres, and retired, with a company of twenty men, to St. Louis, a settlement which had been founded early in 1764, on the western bank of the Mississippi. A detachment of English troops then took possession of the evacuated fort, and Captain Sterling, the British commandant in the Illinois country, established his headquarters at that place. Of the French population, while some took the oath of fidelity and obedience to the government of Great Britain, and continued to occupy their ancient possessions in and about the villages of Kaskaskia, Cahokia, and Prairie du Rocher, others removed to the territories on the western side of the river Mississippi, where the authority of France was still in force, although the country had been ceded to Spain.

Fort Chartres, which was rebuilt in 1756, was in shape an irregular quadrangle, with four bastions. The sides of the exterior polygon were about four hundred and ninety feet in extent.* The walls, which were of stone and plastered over, were two feet two inches thick, and fifteen feet high, with loopholes at regular distances, and two portholes for cannon in each face, and two in the flanks of each bastion. There were two sallyports; and within the wall was a banquette, raised three feet, for the men to stand upon, when they fired through the loopholes. The buildings within the fort were the commandant's and the commissary's houses, the magazine of stores, the guardhouse, and two lines of barracks. Within the gorge of one of the bastions, was a prison with four dungeons. In the gorges of the other three bastions, were the powder-magazine, the bakehouse, and some smaller buildings. The commandant's house was ninety-six feet long and thirty feet deep, containing a diningroom, a parlor, a bedchamber, a kitchen, five closets for servants, and a cellar. The commissary's house was built in a line with this edifice, and its proportions and distribution of apartments were the same. Opposite these, were the storehouse and guardhouse, each ninety feet long by twenty-four feet deep. The former contained two large store-rooms, with vaulted cellars under the whole, a large room, a

* Hall.

bedchamber, and a closet for the keeper. The guardhouse contained soldiers' and officers' guardrooms, a chapel, a bedchamber, and a closet for the chaplain, and an artillery store-room. The lines of the barracks, two in number, were never completely finished. They consisted of two rooms in each line for officers, and three for soldiers. The rooms were twenty-two feet square, with passages between them. All the buildings were of solid masonry. The ruins of this fort may still be seen, on the eastern bank of the Mississippi, about twenty-five miles above the mouth of the river Kaskaskia, in the state of Illinois.*

* In the writings of James Hall, who visited the site of Fort Chartres about the year 1832, there is an interesting account of these ruins. "Although," says Hall, "the spot was familiar to my companion, it was with some difficulty that we found the ruins, which are now covered and surrounded with a young but vigorous and gigantic growth of forest trees, and with a dense undergrowth of bushes and vines, through which we forced our way with considerable labor. Even the crumbling pile itself is thus overgrown; the tall trees rearing their stems from piles of stones, and the vines creeping over the tottering walls. The buildings were all razed to the ground, but the lines of the foundations could be easily traced. A large vaulted powder-magazine remained in good preservation. The exterior wall, the most interesting vestige, as it gave the general outline of the whole, was thrown down in some places; but in many retained something like its original height and form; and it was curious to see, in the gloom of a wild forest, these remnants of the architecture of a past age. One angle of the fort, and an entire bastion, had been undermined and swept entirely away by the river, which, having expended its force in this direction, was again retiring, and a narrow belt of young timber had grown up between the water's edge and the ruins."

CHAPTER X.

ENGLISH COLONIAL POLICY.—DUNMORE'S WAR.

THE government of Great Britain having nominally extended its dominion over the vast territories lying northwest of the river Ohio, the British commandants in those regions exercised their authority, without departing in any material manner from the policy which had been pursued by their French predecessors. In 1765, the total number of French families within the limits of the northwestern territory (comprising the settlements about Detroit, those near the river Wabash, and the colony in the neighborhood of Fort Chartres), did not probably exceed six hundred. Of these families, about eighty or ninety resided at Post Vincennes; about fourteen were settled at Fort Ouiatenon, on the river Wabash; and at the Twightwee village, which was situated near the confluence of the St. Joseph and St. Mary rivers, there were nine or ten French houses.* These three small colonies were, at that time, the only white settlements in all the large territory which now lies within the boundaries of the State of Indiana. At Detroit, and in the neighborhood of that place, there were about three hundred and fifty French families. The remainder of the French population resided at Kaskaskia, Cahokia, Prairie du Rocher, and in the vicinity of those villages.

The colonial policy which was adopted by Great Britain, immediately after the treaty of 1763, offered to the English colonists in North America no inducements to advance their settlements into the regions on the western side of the Allegheny mountains. By a proclamation of the 7th of October, 1763, the king forbade all his subjects "from making any purchases or settlements whatever, or taking possession of any of the lands, beyond the sources of any of the rivers which fall into the Atlantic ocean from the west or northwest;" and, at the suggestion of the English Board of Trade and Plantations, the British government took measures to confine the English

* Croghan's Journal.

settlements in America "to such a distance from the sea coast, as that those settlements should lie within the reach of the trade and commerce of Great Britain."* In pursuing this policy, the government rejected the propositions of various individuals, who proposed to establish English colonies in the west.

In 1769, the commander-in-chief of the king's forces in North America wrote as follows to the Earl of Hillsborough, who presided over the Colonial Department: "As to increasing the settlements [northwest of the river Ohio] to respectable provinces, and to colonization in general terms in the remote countries, I conceive it altogether inconsistent with sound policy. I do not apprehend the inhabitants could have any commodities to barter for manufactures, except skins and furs, which will naturally decrease as the country increases in people, and the deserts are cultivated; so that, in the course of a few years, necessity would force them to provide manufactures of some kind for themselves, and when all connection upheld by commerce with the mother country shall cease, *it may be expected that an independency in their government will soon follow.* The laying open of new tracts of fertile country in moderate climates might lessen the present supply of the commodities of America; for it is the passion of every man to be a landholder, and the people have a natural disposition to rove in search of good land, however distant." Similar to these opinions were those of the royal governor of Georgia, who, in a letter to the British Lords of Trade, wrote as follows:—"This matter, my lords, of granting large bodies of land in the back parts of any of his majesty's northern colonies, appears to me in a very serious and alarming light; and I humbly conceive, may be attended with the greatest and worst of consequences; for, my lords, if a vast territory be granted to any set of gentlemen, who really mean to people it, and actually do so, it must draw and carry out a great number of people from Great Britain, and I apprehend *they will soon become a kind of separate and independent people, who will set up for themselves*; that they will soon have manufactures of their

* Report of the Board of Trade and Plantations to the Lords of the Privy Council.

own; and in process of time, they will become formidable enough to oppose his majesty's authority."

In the course of the year 1770, several persons from Virginia and other British provinces, explored and marked nearly all the valuable lands "not only on the Red Stone and other waters of the Monongahela, but along the Ohio as low as the Little Kanawha."*

On the 20th of October, 1770, GEORGE WASHINGTON, Dr. Craik, Captain Crawford, Joseph Nicholson, Robert Bell, William Harrison, Charles Morgan, and Daniel Rendon, embarked, at Pittsburg, in a pirogue and descended the river Ohio to the mouth of the Kanawha. They ascended the latter stream about fourteen miles; killed five buffaloes on the 2d of November; marked some large tracts of land above the mouth of the Kanawha; and then returned to Pittsburg. At this time the village of Pittsburg was composed of about twenty log houses, inhabited by Indian traders; and the garrison of Fort Pitt consisted of two companies of royal Irish, commanded by Captain Edmonson.

A proclamation of General Gage, which appeared in 1772, was the first official act of the British government that disturbed the quiet of the French settlements on the river Wabash, after the peace of 1763. That proclamation was in the words following:

"By his Excellency, Thomas Gage, lieutenant-general of the king's armies, colonel of the 22d regiment, general commanding in chief all the forces of his majesty in North America, etc., etc., etc.

"Whereas, many persons, contrary to the positive orders of the king upon the subject, have undertaken to make settlements beyond the boundaries fixed by the treaties made with the Indian nations, which boundaries ought to serve as a barrier between the whites and the said nations; and a great number of persons have established themselves, particularly on the river Ouabache, where they lead a wandering life, without government, and without laws, interrupting the free course of trade, destroying the game, and causing infinite disturbance in

* Washington's Journal, of 1770.

the country, which occasions considerable injury to the affairs of the king, as well as to those of the Indians—his majesty has been pleased to order, and by these presents orders are given in the name of the king, to all those who have established themselves on the lands upon the Ouabache, whether at St. Vincent* or elsewhere, to quit those countries instantly and without delay, and to retire, at their choice, into some one of the colonies of his majesty, where they will be received and treated as the other subjects of his majesty. Done, and given at headquarters, New York. Signed with our hand, sealed with our seal at arms, and countersigned by our secretary, this 8th of April, 1772. By order of the king.

“THOMAS GAGE.

“By His Excellency,
G. MATURIN, Sec.”

On the 14th of September, 1772, the principal French inhabitants of Post Vincennes, dispatched a letter to General Gage, in which they stated that their possessions were held by “sacred titles;” that the French settlement at that place was of “seventy years standing;” and that their “lands had been granted by order and under the protection of his most christian majesty,” the king of France. To this letter of the inhabitants of Post Vincennes, General Gage transmitted the following answer:

“NEW YORK, April 2d, 1773.

“GENTLEMEN:—I have received your letter of the 14th of September last, with the representations annexed, which I intend to cause, in a few days, to be transported to the feet of his majesty.

“As you claim your possession by sacred titles, insinuating that your settlement is of seventy years standing, and that the lands have been granted by order and under the protection of his most christian majesty, it is necessary that his majesty should be informed very particularly upon these points; and it is important to you to give convincing proofs of all that you allege in this respect.

“To this end I have to demand, without delay, the name of every inhabitant at Vincennes and its neighborhood, and by

* Vincennes.

what title each one claims; if it is by a concession, the year of the concession must be added, as well as the name of the officer who made it, and the name of the governor-general who approved and confirmed it with [word unintelligible and omitted, probably "the date," or "the page," or "number,"] also of the records where each concession shall have been registered. That the report which I expect may be better understood, I annex hereto a form, which I beg you to follow exactly, and to put me as early as possible in a situation to push forward your business.

"I am, gentlemen,

"Your most humble,

"and most obedient servant,

"THOMAS GAGE.

"Mr. de St. Marie, and the other inhabitants settled at Post Vincennes "

About this time, while the English colonies in North America were rising in opposition to the policy of the government of Great Britain, the latter began to adopt measures to gain the attachment of the French population of Canada and the Illinois country. In the month of December, 1773, divers French inhabitants of the province of Quebec, sent to the king a memorial, wherein they said: "The province of Quebec, as it is now bounded, by a line passing through the forty-fifth degree of north latitude, is confined within too narrow limits. This line is only fifteen leagues distant from Montreal, and yet it is only on this side that the lands of the province are fertile, and that agriculture can be cultivated to much advantage. We desire, therefore, that as *under the French government our colony was permitted to extend over all the upper countries known under the names of Michilimacinae, Detroit, and other adjacent places, as far as the Mississippi*, so it may now be enlarged to the same extent. And this reënnexation of these *inland posts* to this province is the more necessary on account of the fur trade which the people of this province carry on to them—because, *in the present state of things, as there are no courts of justice whose jurisdiction extends to those distant places*, those of the factors we send to them with our goods to trade with the Indians for their furs, who happen to prove dishonest, continue in them, out of the reach of their

creditors, and live upon the profits of the goods intrusted to their care—which entirely ruins this colony, and turns these posts into harbors for rogues and vagabonds, whose wicked and violent conduct is often likely to give rise to wars with the Indians.”*

On the 2d of June, 1774, the British Parliament passed an act which extended the boundaries of the province of Quebec so as to include the territories which now lie within the limits of the States of Ohio, Indiana, Illinois, and Michigan. The act also secured to the French inhabitants the free exercise of their religion, and to the Roman Catholic clergy those rights which were agreeable to the articles of capitulation at the time of the surrender of Canada and its dependencies. In addition to these privileges, the same act of Parliament restored to the French inhabitants of the province of Quebec, their ancient laws in civil cases, without a trial by jury.† The extension of the province beyond the limits described in the proclamation of 1763, was “justified by the plea that several French families were settled in remote parts of the country, beyond the former districts, and an entire colony was established among the Illinois Indians.”‡ The privileges which were granted to the Roman Catholics, the great enlargement of the boundaries of Canada, and the establishment of French laws and customs in that province were regarded with sentiments of strong disapprobation by the English inhabitants of the British colonies in America. They viewed it as a stroke of ministerial policy, designed to secure the coöperation of the French in the subjugation of those colonists who had opposed the Stamp act, and who were at that

* American Archives, 4th ser. i, p. 1848.

† In 1764, a court of King's Bench and a court of Common Pleas were established in the province of Canada. The Canadians were not opposed to the criminal law of England; but they objected to the course of the English law in civil trials. Their opposition to the trial by jury was remarkable; and they often said that “they thought it very extraordinary that English gentlemen should think their property safer in the determination of tailors and shoemakers, mixed with the people in trade, than in that of the judges.” A Mr. Maseres, of Canada, when under an examination before the British House of Commons, in 1774, said, “that the Canadians had no clear notions of government, having never been used to any such speculations.”—Proceedings on the Quebec bill in the British House of Commons, June, 1774.

‡ Bisset, i, 375.

time arrayed in opposition to other arbitrary acts of the government of Great Britain. Thus, the passage of the Quebec bill, while it secured the attachment of the French inhabitants of Canada, contributed in some degree to sever the political ties by which the English colonies in America were bound to the mother country. On the 22d of September, 1774, in a convention which was held at Falmouth, in the colony of Massachusetts, the assembly adopted a report which contained these words:—"As the very extraordinary and alarming act for establishing the Roman Catholic religion and French laws in Canada may introduce the French or Indians into our frontier towns, we recommend that every town and individual in this country should be provided with a proper stock of military stores, according to our province law; and that some patriotic military officers be chosen in each town to exercise their several companies and make them perfect in the military art."

The French colonists of America, perceiving that the people of the English provinces were inclined to deprive them of the privileges which had been granted to them by the Quebec act, ardently supported the cause of Great Britain during the early part of the American revolutionary war. At the French settlements in the country northwest of the Ohio, Indian war parties were often supplied with arms and ammunition, and sent to assail the western frontiers of the English colonies.

Early in the year 1773, notwithstanding the remonstrances of the English traders in the west, the troops were withdrawn from Fort Pitt, by order of General Gage, and the Assembly of Pennsylvania refused to maintain a garrison at that post. Soon after this event occurred, many adventurers from Virginia, some from Maryland, and a few from North Carolina, crossed the Allegheny mountains for the purpose of surveying the lands and making settlements in the country on the southern borders of the river Ohio. The lands in the neighborhood of Fort Pitt were surveyed for the proprietaries of Pennsylvania, in 1769, and "magistrates were appointed to act there in the beginning of 1771."* In 1774, Governor Dunmore, from motives which have never been satisfactorily explained, began to encourage the English colonists to take warrants from him

*Letter from Gov. Penn to Lord Dunmore, 31st March, 1774.

for lands in the west; and, under the pretense that Fort Pitt was within the boundary of Virginia, he appointed magistrates to act at that place. One of these magistrates, John Conolly, who was also one of the patentees of a tract of land lying about the Falls of Ohio, collected a number of men, established a garrison at Fort Pitt, changed the name of that post to Fort Dunmore, and sent out small parties for the purpose of selecting sites for the planting of new settlements on the southeastern borders of the river Ohio.

In the latter part of the month of April, 1774, a party of men who were exploring the country, in the vicinity of Wheeling, (where a settlement was founded in 1770,) heard rumors of robbery and violence perpetrated by Indians. The party of explorers, who, it seems, appeared to be alarmed for their own safety, assembled at the mouth of Wheeling creek. From this point, notwithstanding the strong opposition of Ebenezer Zane,* a small detachment, at the head of which was a man named Michael Cresap, marched a few miles up the banks of the river Ohio, and killed two Indians, who were encamped with some white traders. Cresap and his party then went down the river to the mouth of Grave Creek, where they attacked a weak encampment, and killed several Indians, among whom there were some of the relations of the Cayuga chief, LOGAN, who had distinguished himself as the friend of white men.

A few days after these murders were perpetrated, a party of thirty-two men, under one Daniel Greathouse, massacred twelve or thirteen Indians at a place near "Baker's Bottom," on the Ohio, about forty miles above Wheeling. This massacre was effected by means of a very dishonorable stratagem. A party of Indians, on their way down the Ohio, heard of the murders near Wheeling, and, fearing to proceed, they encamped at the mouth of Big Yellow creek, opposite the house of one Joshua

*"On our arrival at the Wheeling, being informed that there were two Indians with some traders near and above Wheeling, a proposition was made by the then captain, Michael Cresap, to waylay and kill the Indians upon the river. This measure I opposed with much violence, alleging that the killing of these Indians might involve the country in a war."—LETTER OF COL. EBENEZER ZANE.

Baker, who had settled on a tract of land which was called Baker's Bottom. The party under Greathouse lay in ambush, while their leader crossed the river to the camp of the Indians, and under the mask of friendship counted their numbers, and found them too strong for an open attack with his force. While he was at the camp, he was cautioned by one of the Indian women to go home, because the Indian men were drinking, and angry on account of the murder of their relations. On leaving the camp, Greathouse invited the Indians to go over to the house of Baker, and drink. He then re-crossed the river, and requested Baker to give any of the Indians who might come over, as much rum as they might call for, "*and get as many of them drunk as he possibly could.*"* Several Indians, among whom were two women and a little girl, crossed the river, and went to the house of Baker, where the men soon became intoxicated. Greathouse and his party then fell upon the drunken Indians, and slaughtered the men and women. The little Indian girl alone was spared. The party of Indians on the other side of the river, on hearing the report of guns, sent a canoe with two men in it to inquire what had happened. As soon as these two men landed on the beach, they were killed by the whites. A number of armed Indians, in another canoe, attempted to reach the shore some distance below Baker's house; but they were met by a fire from the party under Greathouse, which killed some, wounded others, and obliged the rest to retreat.

The white settlers on the borders of the Ohio, knowing that the Indians, in consequence of these murders, would make war upon them, either moved away from the frontiers or prepared to defend themselves by building forts and blockhouses. As soon as information of these events reached the seat of government of Pennsylvania, the authorities of that colony dispatched messengers to assure the Indians that the acts of the white men who were commanded by Cresap and Greathouse, were not sanctioned by the people of Pennsylvania. Believing these assurances, the Indians, in detached parties composed of Mingoes, Delawares, and Shawanees, began to make war upon the settlers along the whole extent of the western frontiers of Vir-

*Doddridge's Notes, 227.—Jefferson's Notes, 334.

ginia. To protect the western settlements, and to punish the hostile Indians, the government of Virginia soon gave orders to raise an army of three thousand men. The southern division of this army, under the command of Colonel Andrew Lewis, was ordered to march through the Greenbriar country, to the mouth of the Great Kanawha river. The other division, under the command of Governor Dunmore, was ordered to rendezvous at Fort Pitt, and from that point to descend the river Ohio, and form a junction with Colonel Lewis, at the mouth of the Kanawha.

On the 20th of June, 1774, Governor Dunmore, who was then at Williamsburgh, the seat of government in Virginia, wrote as follows, to John Conolly, one of the Virginia magistrates at Fort Pitt:—"I hope you will prevail on the Delawares and the well affected part of the Mingoës to move off from the Shawanees. It is highly necessary that you continue at Fort Dunmore, [Fort Pitt,] and I think, therefore, that you could not do better than to send Captain William Crawford with what men you can spare to join him, and to coöperate with Colonel Lewis, or to strike a stroke himself, if he thinks he can do it with safety. * * * I would recommend it to all officers going out on parties, *to make as many prisoners as they can of women and children*; and should you be so fortunate as to reduce those savages to sue for peace, *I would not grant it to them on any terms till they were effectually chastised*; and then on no terms without bringing in six of their heads as hostages for their good behavior, and these to be relieved annually; and that they trade with us only for what they may want."

In the latter part of July, 1774, while Governor Dunmore and Colonel Lewis were raising troops for the main expedition, about four hundred men, under the command of Major Angus McDonald, crossed the Ohio at the mouth of Fish creek, below Wheeling, and marched into the Indian country to destroy the Shawanee villages on the Muskingum, near Wappatomica.* On arriving at a point within six or seven miles of the first village, the force under McDonald was met by a small party of Indians, and in the course of some skirmishes, which slightly interrupted the march of the troops, six Indians were killed, and several wounded. In the mean time the Indian women

* About sixteen miles below the town of Coshocton, Ohio.

and children fled from the villages and sought refuge in the woods. The party under Major McDonald arrived at the first village. "We set fire to the town," says an actor in these proceedings, "and destroyed every thing of value. * * * From this town we proceeded to the rest, five in number, all of which we burnt, together with about five hundred bushels of old corn, and every other thing they had. We also cut down and destroyed about seventy acres of standing corn. No Indians appearing, and provisions falling short, we returned to Wheeling."*

Early in the month of September, about eleven hundred men, under the command of Colonel Andrew Lewis, commenced their march from camp Union, distant about one hundred and sixty miles from the mouth of the Great Kanawha. Passing through the Greenbriar country, and down the valley of the Great Kanawha, these troops, about the 5th of October, 1774, reached the point of land formed by the confluence of the Ohio and Great Kanawha rivers. On this point the army encamped, in two lines, to await the arrival of the forces under Governor Dunmore. Scouts and hunters were daily sent out from the encampment; but no Indians were discovered until the morning of the 10th of October. On that morning, "by break of day," two soldiers left the camp and started up the river Ohio, for the purpose of killing game. After walking about a mile and a half, they discovered a large body of Indians, who were apparently making preparations to march against the encampment of Colonel Lewis. The Indians fired on the two hunters, and killed one of them: the other ran back to the camp of the Virginians, and, being considerably frightened, reported that he had seen "a body of the enemy covering five acres of ground, as closely as they could stand."† Colonel Andrew Lewis immediately ordered two detachments, each consisting of about one hundred and fifty men, to advance against the Indians. These detachments, led by Colonel William Fleming, and Colonel Charles Lewis, marched out in two lines, and met the Indians in the same order, about four hundred yards from the camp. The battle commenced about sunrise; and at the onset the heavy fire of the Indians forced the

*American Archives, 4th series, i, 722.

†Proceedings of the Historical Society of Virginia.

detachments under Lewis and Fleming to fall back until they were reinforced by a detachment of two hundred men under Major John Field. The Indians then retreated a little way, and taking positions behind trees and logs, extended their line of attack almost from the bank of the Ohio to that of the Kanawha. The Virginia forces immediately extended their line of battle, and, adopting the Indian mode of warfare, fought under the cover of trees. The conflict was then fiercely maintained, until about one o'clock, when it began to abate; but the belligerent forces, each party watching the other,* continued to fire occasional shots, until the Indians, at the approach of night, left the field. On that evening Colonel Christian reached the scene of action with a reinforcement of three hundred troops from Fincastle, Virginia; and in the course of the night the Indians retreated across the river Ohio.

In this engagement, the Indians (whose force amounted to eight or nine hundred men) were led, principally by *Cornstalk*, a Shawanee; *Red Hawk*, a Delaware; *Logan*, a Cayuga; and *Elenipsico*, a son of Cornstalk. While the battle raged hotly, the Virginians often heard the voice of Cornstalk, the Shawanee, crying in loud tones to the Indians, "*Be strong! be strong!*"

On the morning of the 11th, twenty-one Indians were found dead on the battlefield; the bodies of twelve more were afterward found in places where they had been concealed; and it is probable that a considerable number of dead bodies were thrown into the rivers during the engagement. The loss of the Virginians was seventy-five killed, and one hundred and forty wounded. Among the killed were Colonel Charles Lewis and Major Field.

Soon after the return of the expedition under Major Angus McDonald, Governor Dunmore, with about one thousand men, descended the Ohio, from Fort Pitt to the mouth of the Hockhocking. Here he built a small fortification, which he named Fort Gower, in honor of Earl Gower. From this point, he resolved to march across the country to the Shawanee towns on the river Scioto. Some time before the battle was fought

* "There we remained watching the Indians, and they us, till near night; now and then firing, as opportunity offered on either side."—LETTER FROM AN OFFICER IN THE ENGAGEMENT.

at the mouth of the Great Kanawha, he sent dispatches to Colonel Andrew Lewis, to inform that officer of the change in the plan of operations. These dispatches were received before the 10th of October.

On the 17th of October, Colonel Lewis, leaving at his encampment a detachment of three hundred men to take care of the sick and wounded, crossed the Ohio with the remainder of the Virginia troops, and marched on his way to join Dunmore. In the mean time, the governor had penetrated the Indian country, and halted his army at Camp Charlotte, about eight miles from a Shawanee village, which stood on the banks of the river Scioto.

Before the army reached this point, the remonstrances of the governor of Pennsylvania, the intercession of the powerful Six Nations in behalf of the Shawanees, and the intimations of the Earl of Dartmouth, induced Governor Dunmore to change his policy in regard to the hostile Indians. He determined to conclude a peace with them. On the 24th of October, Colonel Lewis, by an express from Dunmore, received an order to withdraw with his forces from the Indian country on the northwestern side of the Ohio. This command was not obeyed until Dunmore himself visited the camp of Colonel Lewis, "was introduced to his officers, and gave the order in person."* The army under Lewis then reluctantly retired. Governor Dunmore returned to Camp Charlotte, and opened a treaty of peace with the Shawanees and their confederates. The Indians agreed to give up their prisoners, to restore the horses which had been taken from the whites, and to abandon the lands on the southeastern side of the river Ohio.† They gave hostages to Dunmore to secure the performance of these stipulations; and promised to meet him at Fort Pitt in the spring of the next year [1775], for the purpose of concluding a definitive treaty of peace and friendship with the Virginians.‡

* Doddridge, 233.

† "The Indians have delivered up all the white prisoners in their towns, with the horses and other plunder they took from the inhabitants; and even offered to give up their own horses. They have agreed to abandon the lands on this [southeastern] side of the Ohio, which river is to be the boundary between them and the white people."—AM. ARCH., 4th series, i, 1014.

‡ A deposition which was made at Pittsburgh, on the 4th of April, 1800,

At Fort Gower, near the mouth of the river Hockhocking, on the 5th of November, 1774, the officers of Dunmore's army held a meeting, at which one of them spoke as follows:—"Gentlemen: Having now concluded the campaign, by the assistance of Providence, with honor and advantage to the colony and ourselves, it only remains that we should give our country the strongest assurance that we are ready at all times, to the utmost of our power, to maintain and defend her just rights and privileges. We have lived about three months in the woods, without any intelligence from Boston, or from the delegates at Philadelphia.* It is possible, from the groundless reports of designing men, that our countrymen may be jealous of the use such a body would make of arms in their hands at

by John Gibson, Esq., who was the first Secretary of the Indiana Territory, contains the following statements:—"This deponent further saith, that in the year 1774, he accompanied Lord Dunmore on the expedition against the Shawanees and other Indians on the Scioto; that on their arrival within fifteen miles of the towns, they were met by a flag, and a white man of the name of Elliott, who informed Lord Dunmore that the chiefs of the Shawanees had sent to request his lordship to halt his army, and send in some person who understood their language; that this deponent, at the request of Lord Dunmore and the whole of the officers with him, went in; that, on his arrival at the towns, Logan, the Indian, came to where this deponent was sitting with Cornstalk and the other chiefs of the Shawanees, and asked him to walk out with him; that they went into a copse of wood, where they sat down, when Logan, after shedding abundance of tears, delivered to him the speech nearly as related by Mr. Jefferson in his Notes on the State of Virginia." The following is the speech of the Chief Logan, as it appears in Jefferson's Notes, p. 91:

"I appeal to any white man to say, if he ever entered Logan's cabin hungry, and he gave him not meat; if he ever came cold and naked, and he clothed him not. During the course of the last long and bloody war, Logan remained idle in his cabin, an advocate for peace. Such was my love for the whites, that my countrymen pointed as they passed, and said, 'Logan is the friend of white men.' I had even thought to have lived with you, but for the injuries of one man. Colonel Cresap, the last spring, in cold blood and unprovoked, murdered all the relations of Logan, not even sparing my women and children. There runs not a drop of my blood in the veins of any living creature. This called on me for revenge. I have sought it; I have killed many; I have fully glutted my vengeance; for my country, I rejoice at the beams of peace. But do not harbor a thought that mine is the joy of fear. Logan never felt fear. He will not turn on his heel to save his life. Who is there to mourn for Logan? Not one!"

*The Continental Congress, which convened on the 5th September, 1774.

this critical juncture. That we are a respectable body is certain, when it is considered that we can live weeks without bread or salt; that we can sleep in the open air, without any covering but that of the canopy of heaven; and that our men can march and shoot with any in the known world. Blessed with these talents, let us solemnly engage to one another, and our country in particular, that we will use them to no purpose but for the honor and advantage of America in general, and of Virginia in particular. It behooves us, then, for the satisfaction of our country, that we should give them our real sentiments, by way of resolves, at this very alarming crisis." The following resolutions were then adopted by the meeting, without a dissenting voice, and ordered to be published in the Virginia Gazette.

"Resolved, That we will bear the most faithful allegiance to his majesty, king George the Third, while his majesty delights to reign over a brave and free people; that we will, at the expense of life and every thing dear and valuable, exert ourselves in support of the honor of his crown, and the dignity of the British Empire. But as the love of liberty, and attachments to the real interests and just rights of America, outweigh every other consideration, we resolve that we will exert every power within us for the defense of American liberty, and for the supporting of her just rights and privileges; not in any precipitate, riotous, and tumultuous manner, but when regularly called forth by the unanimous voice of our countrymen.

"Resolved, That we entertain the greatest respect for his excellency, the Right Honorable Lord Dunmore, who commanded the expedition against the Shawanees, and who, we are confident, underwent the great fatigue of this singular campaign from no other motive than the true interest of this country."

Thus closed the expedition of John Murray, Earl of Dunmore,* the last British governor of the colony of Virginia. He arrived at Williamsburgh, in that colony, on the 4th of

*This officer wrote his name and titles in these words: "JOHN, Earl of Dunmore, Viscount of Fincastle, Baron Murray of Blair, of Monlin, and of Tillimet, Lieutenant and Governor-General of his Majesty's colony and dominion of Virginia, and Vice-Admiral of the same."

December, 1774; but he never returned to the valley of the Ohio, to conclude a treaty of peace and friendship with the Indians.

In the course of the years 1775 and 1776, by means of the operations of land companies,* and the perseverance of individual adventurers, several hundred settlers were added to the white population of the country lying between the Allegheny mountains and the river Ohio. In the mean time, the English colonies in North America, acting wisely and justly in this instance, renounced their allegiance to Great Britain, and declared that they were, "and of right ought to be, free and independent States." By the authority of the Continental Congress, commissioners were appointed to reside at Fort Pitt for the purpose of making treaties with the Indians in that region, and messengers were sent with pacific overtures from the new government to the southern and the northwestern tribes. To defeat the object of this policy, the British commandants and the loyal British traders in the country northwest of the Ohio, encouraged and supported by a considerable number of French auxiliaries, incited the Indians to assail the frontiers of the confederated States. From the speeches of two distinguished Delaware chiefs, *Buckongahelas* and *White Eyes*, an inference may be drawn concerning the nature of the appeals which, about this time, were made to the Indians. Buckongahelas, who was the friend of the king of Great Britain, spoke to the Indians thus: "Friends! listen to what I say to you! You see

* On the 17th of March, 1775, Colonel Richard Henderson and Company, at a public council held on a branch of the river Holston, obtained from three distinguished Cherokee chiefs a deed for the territory bounded as follows: "Beginning on the Ohio river at the mouth of Kentucky, Chenoca, or what, by the English, is called Louisa river; from thence, running up the said river and the most northwardly branch of the same, to the head-spring thereof; thence, a southeast course to the top ridge of Powel's mountain; thence westwardly along the ridge of the said mountain unto a point from which a northwest course will hit or strike the head-spring of the most southwardly branch of Cumberland river; thence down the said river, including all its waters to the Ohio river; thence up the said river as it meanders to the beginning," etc. For this territory it appears that the Cherokee Indians received from Henderson and Company "the sum of ten thousand pounds of lawful money of Great Britain," or "ten thousand pounds sterling in merchandise."—Vide BUTLER'S HIS. KY., 2d ed. 14, 503.

a great and powerful nation divided! You see the father fighting against the son, and the son against the father! The father has called on his Indian children to assist him in punishing his children, the Americans, who have become refractory. I took time to consider what I should do—whether or not I should receive the hatchet of my father to assist him. At first I looked upon it as a family quarrel, in which I was not interested. However, at length, it appeared to me that the father was in the right, and his children deserved to be punished a little. That this must be the case, I concluded from the many cruel acts his offspring had committed, from time to time, on his Indian children, in encroaching on their land, stealing their property, shooting at and murdering, without cause, men, women, and children. Yes! even murdering those who, at all times, had been friendly to them, and were placed for protection under the roof of their father's house—the father himself standing sentry at the door at the time.* Friends! often has the father been obliged to settle and make amends for the wrongs and mischiefs done to us by his refractory children, yet these do not grow better. No! they remain the same, and will continue to be so as long as we have any land left us. Look back at the murders committed by the Longknives on many of our relations, who lived peaceable neighbors to them on the Ohio. Did they not kill them without the least provocation? Are they, do you think, better now than they were then?†

At this period a Delaware chief, whose Indian name was Koguethagechton, but who was called, by the Americans, *Captain White Eyes*, lived in the valley of the river Muskingum. In the course of his efforts to explain the causes which produced the Revolutionary war, and to establish relations of friendship between his tribe and the United States, he sometimes addressed the Delawares, in substance, as follows: "Suppose a father had a little son whom he loved and indulged while young, but, growing up to be a youth, began to think of having some help from him, and, making up a small pack, bade him carry it for him. The boy cheerfully takes the pack,

* Alluding to the murder of the Conestoga Indians.—See GORDON'S HISTORY OF PENNSYLVANIA, 405.

† Heckewelder.

following his father with it. The father, finding the boy willing and obedient, continues in his way; and, as the boy grows stronger, so the father makes the pack in proportion larger—yet as long as the boy is able to carry the pack, he does so without grumbling. At length, however, the boy, having arrived at manhood, while the father is making up the pack for him, in comes a person of an evil disposition, and, learning who was the carrier of the pack, advises the father to make it heavier, for surely the son is able to carry a large pack. The father, listening rather to the bad adviser than consulting his own judgment and the feelings of tenderness, follows the advice of the hard-hearted adviser, and makes up a heavy load for his son to carry. The son, now grown up, examining the weight of the load he is to carry, addresses the parent in these words: ‘Dear father, this pack is too heavy for me to carry—do, pray, lighten it. I am willing to do what I can, but I am unable to carry *this* load.’ The father’s heart having, by this time, become hardened, and the bad adviser calling to him, ‘whip him, if he disobeys and refuses to carry the pack,’ now in a peremptory tone orders his son to take up the pack and carry it off, or he will whip him, and already takes up a stick to beat him. ‘So!’ says the son, ‘am I to be served thus for not doing what I am unable to do? Well, if entreaties avail nothing with you, father—and it is to be decided by blows whether or not I am able to carry a pack so heavy—then I have no other choice left me but that of resisting your unreasonable demand by my strength; and so, striking each other, we may see who is the strongest.’”*

*Heckewelder.—[The speeches which were delivered by Buckongahelas and others, in favor of the king of Great Britain, were prepared by officers in the British Indian department; and the reported speech of Captain White Eyes, in favor of the American colonies, was prepared by a committee of the Continental Congress, adopted by that body on the 13th of July, 1775, and delivered to an assemblage of Indians at Pittsburg, in the fall of the same year.]—Vide AM. ARCHIVES, 4th series, ii, p. 1880.

CHAPTER XI.

WESTERN LAND COMPANIES — INDIAN AFFAIRS.

THE events which have been related in the preceding chapter show that, before the close of the year 1774, the government of Great Britain abandoned the project of confining the settlements of the English colonists in America to the regions lying on the eastern side of the Allegheny mountains. Indeed, the British ministry, soon after the year 1765, began to perceive that this project was impracticable. Although they rejected various propositions for erecting new colonies in the interior parts of North America, yet this policy did not materially check the growth of the English settlements in the west. In 1769, Lieutenant-Colonel John Wilkins,* British commandant at Fort Chartres, in the Illinois country, granted several large tracts of land to English traders. This officer declared that these grants were made because "the cultivation of lands not then appropriated, was essentially necessary and useful toward the better peopling and settlement of the said country, as well as highly advantageous to his majesty's service in the raising, producing, and supplying provisions for his majesty's troops, then stationed, or thereafter to be stationed, in the said country of the Illinois."†

On the 5th of July, 1773, at a public council held at the village of Kaskaskia, an association of English traders and merchants, who styled themselves "the Illinois Land Company," obtained from ten chiefs of the Kaskaskia, Cahokia, and Peoria tribes, a deed for two very large tracts of land on the east side of the river Mississippi. The first tract was bounded thus: "Beginning at the mouth of the Huron creek, called by the French the river of Mary, being about a league

* This officer signed his name and title thus: "John Wilkins, Esquire, Lieutenant-Colonel of his Majesty's Eighteenth Royal Regiment of Ireland, Governor and Commandant throughout the Illinois country."

† Laws of the U. S. i, 509.

below the mouth of the Kaskaskia river; thence a northward of east course, in a direct line back to the Hilly Plains, eight leagues, or thereabouts, be the same more or less; thence, the same course, in a direct line to the Crabtree Plains, seventeen leagues, or thereabouts, be the same more or less; thence, the same course, in a direct line to a remarkable place, known by the name of the Big Buffalo Hoofs, seventeen leagues, or thereabouts, be the same more or less; thence, the same course, in a direct line to the Salt Lick creek, about seven leagues, be the same more or less; thence, crossing the said creek, about one league below the ancient Shawanees town, in an easterly or a little to the north of east course, in a direct line to the river Ohio, about four leagues, be the same more or less; then down the Ohio, by the several courses thereof, until it empties itself into the Mississippi, about thirty-five leagues, be the same more or less; and then up the Mississippi, by the several courses thereof to the place of beginning, thirty-three leagues, or thereabouts, be the same more or less."

The second tract was bounded as follows: "Beginning at a place or point in a direct line opposite to the mouth of the Missouri river; thence up the Mississippi, by the several courses thereof, to the mouth of the Illinois river, about six leagues, be the same more or less; and then up the Illinois river, by the several courses thereof, to Chicagou or Garlick creek, about ninety leagues or thereabouts, be the same more or less; then nearly a northerly course, in a direct line, to a certain place remarkable, being the ground on which an engagement or battle was fought, about forty or fifty years ago, between the Pewaria and Renard Indians, about fifty leagues, be the same more or less; thence, by the same course, in a direct line, to two remarkable hills close together, in the middle of a large prairie or plain, about fourteen leagues, be the same more or less; thence, a north of east course, in a direct line, to a remarkable spring, known by the Indians by the name of Foggy spring, about fourteen leagues, be the same more or less; thence, the same course, in a direct line, to a great mountain to the northward of the White Buffalo Plain, about fifteen leagues, be the same more or less; thence, nearly a southwest course, in a direct line, to the place of beginning, about forty leagues, be the same more or less."

The purchase of these territories was made for the Illinois Land Company,* by a certain William Murray, who was then a trader in the Illinois country; and from the deed of conveyance it appears that the price which the Indians by agreement received, was two hundred and fifty blankets, two hundred and sixty strouds, three hundred and fifty shirts, one hundred and fifty pairs of stroud and half thick stockings, one hundred and fifty stroud breechcloths, five hundred pounds of gunpowder, four thousand pounds of lead, one gross of knives, thirty pounds of vermillion, two thousand gunflints, two hundred pounds of brasskettles, two hundred pounds of tobacco, three dozen gilt lookingglasses, one gross gun worms, two gross awls, one gross of firesteels, sixteen dozen of gartering, ten thousand pounds of flour, five hundred bushels of Indian corn, twelve horses, twelve horned cattle, twenty bushels of salt, twenty guns, and five shillings in money.† The Indian deed was attested by ten persons, and recorded, on the 2d of September, 1773, in the office of a notary public at Kaskaskia.

By a proclamation of the 21st of March, 1775, Governor Dunmore ordered that all the vacant land of his majesty within the colony of Virginia, "*be surveyed in districts and laid out in lots of from one hundred to one thousand acres,*" and "*put up to public sale.*"

In the year 1775, after the expedition of Lord Dunmore against the Shawanees, Louis Viviat, a merchant of the Illinois country, commenced a negotiation with the Piankeshaw Indians, for the purchase of two large districts of country lying upon the borders of the river Wabash. Viviat acted as the agent

*The names of the members of this association were, William Murray, Moses Franks, and Jacob Franks, of the city of London, Esquires; David Franks, John Inglis, Bernard Gratz, Michael Gratz, Alexander Ross, David Sproat, and James Milligan, all of the city of Philadelphia, in the province of Pennsylvania, merchants; Moses Franks of the same city, attorney at law; Andrew Hamilton and William Hamilton, of the same city, gentlemen; Edmund Milne, of the same city, goldsmith and jeweler; Joseph Simons and Levi Andrew Levi, merchants of the town of Lancaster, in the province of Pennsylvania; Thomas Minshall, Esq., of York County, Pennsylvania; Robert Callendar and William Thompson, Esqs., of Cumberland County, Pennsylvania; John Campbell, merchant of Pittsburg, Westmoreland County, Pennsylvania; and George Castles and James Rumsey, merchants of the Illinois country.

† Laws U. S. i, 500.

of an association of individuals, which was denominated the "Wabash Land Company;" and, at Post Vincennes, on the 18th day of October, 1775, he obtained from eleven Piankeshaw chiefs a deed, of which a copy is here inserted:

"To all people to whom these Presents shall come:—Know ye, that we, Tabac, or Tobacco, Montour, La Grand Couette, Ouaouaijao, Tabac, junior, La Mouche Noire, or the Black Fly, Le Maringouin, or Musquito, Le Petit Castor, or the Little Beaver, Kiesquibichias, Grelot, senior, and Grelot, junior, chiefs and sachems of the several tribes of the Piankeshaw nation of Indians, and being, and effectually representing, all the several tribes of the Piankeshaw Indians, send greeting:

"Whereas Louis Viviat, of the Illinois country, merchant, one of the grantees hereinafter named, as well for himself, as on the parts and behalfs of the several other grantees herein also after named, did, at several conferences publicly held with us, the said chiefs and sachems, at the towns and villages Post Saint Vincent and Vermillion, treat and confer for the purchase of certain tracts of land belonging and appertaining unto us, and to the several tribes of our nation, whom we represent:

"And whereas we, the said chiefs and sachems, have deliberately and maturely considered, for ourselves and our posterities, and consulted with the other natives of our several tribes, respecting the proposals made as aforesaid to us, the said chiefs and sachems, by the said Louis Viviat, on behalf of himself and others: And whereas we, the said chiefs and sachems, as well as all the other natives of the several tribes of our nation, are fully satisfied and contented, for the consideration hereinafter mentioned, to grant and confirm unto the said Louis Viviat, and to the other grantees hereinafter mentioned, the several quantities and tracts of lands hereinafter bounded and described.

"Now, know ye, therefore, that we, the said chiefs and sachems of the Piankeshaw nation aforesaid, in full and public council assembled, at the town or village of Post Saint Vincent aforesaid, for and in consideration of the sum of five shillings, to us in hand paid by the said Louis Viviat, and for and in consideration of the following goods and merchandize, to us, the said Tabac, or Tobacco, Montour, La Grand Couette, Ouaoua-

ijao, Tabac, junior, La Mouche Noire, or the Black Fly, Le Maringouin, or Musquito, Le Petit Castor, or the Little Beaver, Kiesquibichias, Grelot, senior, and Grelot, junior, for the use of the several tribes of our nation, well and truly delivered in full council aforesaid, that is to say:

“Four hundred Blankets, twenty-two pieces of stroud, two hundred and fifty shirts, twelve gross of star gartering, one hundred and twenty pieces of ribbon, twenty-four pounds of vermilion, eighteen pairs velvet laced housings, one piece of malton, fifty-two fusils, thirty-five dozen large buckhorn-handle knives, forty dozen couteau knives, five hundred pounds of brasskettles, ten thousand gunflints, six hundred pounds of gunpowder, two thousand pounds of lead, four hundred pounds of tobacco, forty bushels of salt, three thousand pounds of flour, three horses; also, the following quantities of silverware, viz: eleven very large armbands, forty wristbands, six wholemoons, six halfmoons, nine earwheels, forty-six large crosses, twenty-nine hairpipes, sixty pairs of earbobs, twenty dozen small crosses, twenty dozen nose crosses, and one hundred and ten dozen brooches, the receipt whereof we do hereby acknowledge, have granted, bargained, sold, aliened, released, enfeoffed, ratified, and fully confirmed, and by these Presents do grant, bargain, sell, alien, release, enfeoff, ratify, and fully confirm, unto the said Louis Viviat, the right honorable John, Earl of Dunmore, governor of the colony and dominion of Virginia; the honorable John Murray, son of the said earl, Moses Franks and Jacob Franks, of the city of London, in the kingdom of Great Britain, Esquires; Thomas Johnson, jr., Esquire, attorney at law, and John Davidson, merchant, both of the city of Annapolis, in the province of Maryland; William Russell, Esquire, Matthew Ridley, Robert Christie, sen., and Robert Christie, jr., of Baltimore town, in the said province of Maryland, merchants; Peter Campbell, of Piscataway, in Maryland, merchant; William Geddes, of Newtown Chester, in Maryland, Esq., collector of his majesty's customs; David Franks, merchant, and Moses Franks, attorney at law, both of the city of Philadelphia, in the province of Pennsylvania; William Murray, and Daniel Murray, of the Illinois country, merchants; Nicholas St. Martin, and Joseph Page, of the same place, gentlemen; Francis Perthuis, late of Quebec city, in

Canada, but now of Post St. Vincent aforesaid, gentleman; their heirs and assigns, equally to be divided, or to his most sacred Majesty George the Third, by the grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, his heirs and successors, for the use, benefit, and behoof of all the said several above named grantees, their heirs and assigns, in severalty as aforesaid; (by whichever of these tenures they may most legally hold the same:) the two several tracts or parcels of lands, hereinafter bounded and described, viz:

“One tract or parcel of land, situate, lying, and being on both sides of the Ouabache river, beginning at the mouth of a rivulet called Riviere du Chat, or Cat River, where it empties itself into the Ouabache river aforesaid, being about fifty-two leagues distant from and above Post St. Vincent aforesaid; thence down the Ouabache, by the several courses thereof, to a place called Point Coupee, (about twelve leagues above Post St. Vincent,) being forty leagues, or thereabouts, in length on the said river Ouabache, from the place of beginning, with forty leagues in width or breadth on the east side, and thirty leagues in breadth or width on the west side of the Ouabache river aforesaid; to be continued along from the place of beginning to Point Coupee aforesaid. And also one other tract or parcel of land, situated, lying, and being on both sides of the Ouabache river aforesaid, beginning from the mouth of White river, where it empties itself into the Ouabache river, (about twelve leagues below Post St. Vincent,) thence down the Ouabache river, by the several courses thereof, until it empties itself into the Ohio river, being from the said White river to the Ohio, fifty-three leagues in length, or thereabouts, be the same more or less, with forty leagues in width or breadth on the east side, and thirty leagues in width or breadth on the west side of the Ouabache river aforesaid; (the intermediate space of twenty-four leagues, or thereabouts, between Point Coupee and the mouth of the White river aforesaid, being reserved for the use of the inhabitants of Post St. Vincent aforesaid, with the same width or breadth on both sides of the Ouabache river, as is hereby granted in the two other several tracts of land above bounded and described,) the aforesaid two several tracts of land hereby bargained and sold, from the first place

of beginning to the Ohio river, consisting together of ninety-three leagues in length on the Ouabache river, and on both sides thereof inclusive, seventy leagues in width or breadth, and that during its whole course as aforementioned, exclusive of, and beside, the reservation of twenty-four leagues in length, and seventy leagues in width or breadth, for the inhabitants of Post St. Vincent, reserved as aforesaid. And the said chiefs and sachems, for themselves, and for the several other natives of their nation, whom they fully and effectually represent, and their and every of their posterities, do hereby guaranty, engage, promise, covenant, and agree, to and with the several abovenamed grantees, their heirs, and assigns, and every of them, that they, the said several abovenamed grantees, their heirs and assigns, and every of them, shall and may, at all time, for ever hereafter have and enjoy the full, free, and undisturbed navigation of the said Ouabache river, from its confluence with the Ohio to its source; as well as of all the other several rivers running through the lands hereby bargained and sold, any thing herein contained to the contrary, or supposed to be, in any wise, notwithstanding: And also all minerals, ores, trees, woods, underwoods, waters, watercourses, profits, commodities, advantages, rights, liberties, privileges, hereditaments, and appurtenances, whatsoever, to the said two several tracts of land belonging, or in any wise appertaining: And also the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and of every part and parcel thereof; and all the estate, right, title, interest, use, property, possession, claim, and demand of them, the said Tabac, or Tobacco, etc., chiefs and sachems aforesaid, and of all and every other person and persons whatsoever, of or belonging to the said Piankeshaw nation of Indians, of, into, and out of the premises, and every part and parcel thereof; to have and to hold the said two several tracts or parcels of land, and all and singular the said granted and bargained premises, with the appurtenances, unto the said Louis Viviat, etc., their heirs or assigns, for ever, in severalty, or unto his majesty, his heirs, and successors, to and for the only use, benefit, and behoof of the said grantees, their heirs and assigns, for ever, as aforesaid.

“And the said Tabac, or Tobacco, etc., for themselves and for all the several tribes of their nation, and all and every other

nation, or nations, tributaries, and dependents on the said Piankeshaw Indians, and their, and every of their, posterities, the said several tracts of land and premises, and every part and parcel thereof, against them the said several abovenamed chiefs and sachems, and the said Piankeshaw Indians, and their tributaries and dependents, and all and every of their posterities, unto all the severally abovenamed grantees, their heirs, and assigns, in severalty, or unto his said majesty, his heirs, and successors, to and for the only use, benefit, and behoof, of the said grantees, their heirs, and assigns, in severalty as aforesaid, shall and will warrant, and for ever defend, by these Presents."

This deed, which conveyed to the purchasers about *thirty-seven million four hundred and ninety-seven thousand and six hundred acres*, was signed by the grantees, attested by a number of the inhabitants of Post Vincennes, and subsequently registered in the office of a notary public at Kaskaskia.* The commencement and progress of the Revolutionary war frustrated the schemes of the Illinois and Wabash land companies, and prevented these associations from planting English settlements in the territories to the possession of which they had acquired only an imperfect claim.

From 1768 to 1776, Jean Baptiste Racine, alias St. Marie, who was the principal officer at Post Vincennes, granted many lots of land to French settlers about that village, but none of these lots were very large. In the mean time the French population at Post Vincennes, at Ouiatenon, and at the Twightwee village, enjoyed a state of almost unrestrained freedom. Living in the heart of "the wilderness, without taxes, and in friendship with the Indians, they passed their lives in hunting, fishing, trading in furs, and raising a few esculents and a little corn for their families. Many of them had intermarried with the Indians, whose amity was, by these ties, secured and strengthened."†

* On the 29th of April, 1780, the Illinois Land Company and the Wabash Land Company were united under the name of "The United Illinois and Wabash Land Companies." The agents of the united companies applied to Congress for a confirmation of a part of their claim, in the years 1781, 1791, 1797, 1804, and 1810; but all these applications were rejected.

† Volney.

In the month of May, 1777, on the appearance of a proclamation issued by the British commandant, Edward Abbott, a number of the inhabitants of Post Vincennes took the oath of fidelity to the government of Great Britain. The form of this oath, as it was prescribed by an act of the British Parliament, was as follows:—"I, A B, do sincerely promise and swear that I will be faithful and bear true allegiance to his majesty King George, and him will defend to the utmost of my power, against all traitorous conspiracies, and attempts whatsoever, which shall be made against his person, crown and dignity; and I will do my utmost endeavors to disclose and make known to his majesty, his heirs and successors, all treasons and traitorous conspiracies and attempts, which I shall know to be against him or any of them; and all this I do swear, without any equivocation, mental evasion, or secret reservation; and renouncing all pardons and dispensations from any power or person whomsoever, to the contrary. So help me God."

Soon after the declaration of American independence, Henry Hamilton, the British lieutenant-governor, who had his headquarters at Detroit, sent messages and proclamations* to the different French trading-posts, and to the several Indian villages, in the country northwest of the river Ohio, for the purpose of inciting the Indian tribes to carry on a border warfare against the settlers on the western frontiers of the United States. While Lieutenant-governor Hamilton gave rewards for scalps, and seldom purchased prisoners, the American Congress adopted a less sanguinary policy, and offered rewards for prisoners, but none for scalps.†

From 1775 to 1780, Congress, with very weak resources, endeavored, by the use of various means, to protect and encourage the settlers on the borders of the river Ohio. Commissioners of Indian Affairs were appointed; an Indian Agency was established at Pittsburg; suitable speeches were prepared by committees of Congress, and circulated among the western tribes; an expedition against Detroit was proposed; the Indians were frequently invited to hold treaties with the United States; and Congress, at the request of the friendly Delawares, prom-

*Proceedings of Council of Virginia, June 18, 1779.

†Secret Journals of Congress, i, 46.

ised to send to them "a suitable minister," "a schoolmaster," and "a sober man"—to instruct them in the christian religion, in letters, and in agriculture and other branches of useful knowledge. In 1777, Brigadier-general Edward Hand was ordered to repair to Pittsburg, and to organize, at that place, a militia force of one thousand men, for the defense of the western frontiers. In 1778, a treaty of alliance was made with the Delawares at Fort Pitt. In the same year, Fort McIntosh, having four bastions and six pieces of artillery, was built at the mouth of Big Beaver creek, on the Ohio river, about thirty miles below Pittsburg; and Fort Laurens was erected on the banks of the Tuscarawas river, "a little below the mouth of Sandy Creek." In addition to these measures, Congress offered, in July, 1776, to "take into Continental possession," and "receive on the Continental establishment," the fort and garrison at Wheeling, and the fort and garrison at the mouth of the Great Kanawha.

Three departments, for the management of Indian Affairs, were created by a resolution of Congress, of July 12, 1775. The northern department included the Six Nations, and all Indians who resided north of that confederacy. The southern department included the Cherokees, and all tribes who dwelt in the country south of them; and the middle department included the Miamis, Delawares, Shawanees, Pottawattamies, and all other Indians who lived in the region lying between the northern and southern departments. On the 13th of July, 1775, Benjamin Franklin and James Wilson, of Pennsylvania, and Patrick Henry, of Virginia, were elected Commissioners of Indian Affairs for the middle department; and on the 10th of April, 1776, Colonel George Morgan, a native of Pennsylvania, who had resided, as a trader, at Kaskaskia, for a few years after the British troops took possession of that place, was elected Indian Agent for the same department. The residence of Colonel Morgan was established at Pittsburg; and the instructions which he received, at different times, from Congress, required him to hold councils, or conferences, with the western tribes—to endeavor to inspire the Indians with feelings of friendship for the people of the United States—to prevent encroachments of the whites on Indian lands—to treat all peaceable Indians with kindness and hospitality, and to

encourage them to engage in agricultural and mechanical pursuits.

In the summer of 1777, small war parties from the north-western tribes, roused by the effect of the British policy, jealous of the loss of their favorite hunting-grounds, and enraged at the massacre of a distinguished Shawanee chief,* began to assail the settlements and forts which had been established by the whites, on the southeastern borders of the river Ohio. In the western parts of Pennsylvania, Virginia, and Kentucky, at this era, a fort was not only a place of defense: it was the residence of a small number of families belonging to the same neighborhood; and it consisted of cabins, blockhouses and stockades. "A range of cabins commonly formed one side, at least, of the fort. Divisions, or partitions of logs, separated the cabins from each other. The walls on the outside were ten or twelve feet high; the slope of the roof being turned wholly inward. A very few of these cabins had puncheon floors; the greater part were earthen. The blockhouses were built at the angles of the fort. They projected about two feet beyond the outer walls of the cabins and stockades. Their upper stories were about eighteen inches every way larger in dimensions

*Late in the spring of 1777, the chiefs Cornstalk, Redhawk, and another Indian, visited Fort Randolph, which was built in 1775, at the mouth of the Great Kanawha river. At this place a Captain Arbuckle was the commanding officer. "Cornstalk stated to the captain, that, with the exception of himself, and the tribe to which he belonged, all the nations had joined the English, and that, unless protected by the whites, 'they would have to run with the stream.' Captain Arbuckle thought proper to detain the Cornstalk chief and his two companions as hostages for the good conduct of the tribe to which they belonged." Elenipsico, a son of Cornstalk, on going to the fort to inquire after his father, was captured and confined. Soon after this event, two Indians who had concealed themselves in the woods on the bank of the Kanawha, killed a white man as he was returning from hunting. "The dead body was brought over the river," and "there was a general cry among the men who were present, 'Let us kill the Indians in the fort.' Immediately a gang, with a Captain Hall at their head, went to the house where the hostages were confined. The old chief Cornstalk rose up to meet them at the door, but instantly received seven bullets through his body. His son and his other two fellow-hostages were instantly despatched with bullets and tomahawks. Thus fell the Shawanee war chief, Cornstalk, who, like Logan, his companion in arms, was conspicuous for intellectual talent, bravery, and misfortune."—DODDRIDGE, 237.—DRAKE, book v, c. iii, p. 48.

than the under ones—leaving an opening at the commencement of the second story to prevent the enemy from making a lodgment under their walls. In some forts, instead of blockhouses, the angles of the fort were furnished with bastions. A large folding gate, made of thick slabs, nearest the spring, closed the fort. The stockades, bastions, cabins, and blockhouse walls, were furnished with portholes at proper lights and distances. The whole of the outside was made completely bulletproof.* In many instances these forts were made without the aid of a single nail or spike of iron, because “such things were not to be had. In some places, less exposed, a single blockhouse, with a cabin or two, constituted the whole fort.”*

From 1777 to 1784, the rude fortifications of the western settlers were seldom attacked boldly by strong Indian war parties. A credible actor† among the adventurous class of men who first settled in Kentucky, thus described the Indian mode of making war:—“The Indians, in besieging a place, are seldom seen in force upon any quarter; but dispersed, and acting individually, or in small parties. They conceal themselves in the bushes or weeds, or behind trees or stumps of trees; or waylay the path, or fields, or other places where their enemies resort; and when one or more can be taken down, in their opinion, they fire the gun, or let fly the arrow, aimed at the mark. If necessary, they retreat: if they dare, they advance upon their killed or crippled adversary; and take his scalp, or make him prisoner, if possible. They aim to cut off the garrison supplies, by killing the cattle; and they watch the watering places, for those who go for that article of primary necessity, that they may, by these means, reduce the place to their possession, or destroy its inhabitants in detail. * * * In the night they will place themselves near the fort gate ready to sacrifice the first person who shall appear in the morning. In the day, if there be any cover—such as grass, a bush, a large clod of earth, or a stone as big as a bushel—they will avail themselves of it to approach the fort, by slipping forward on their bellies, within gunshot; and then, whoever appears first, gets the fire; while the assailant makes his retreat behind the smoke from the gun. At other times they approach the

*Doddridge, 117.

†Colonel J. Floyd.—BUTLER'S HIS. KY., 33.

walls or palisades with the utmost audacity, and attempt to fire them or to beat down the gate. They often make feints to draw out the garrison on one side of the fort, and if practicable enter it by surprise on the other. And when their stock of provision is exhausted, this being an individual affair, they supply themselves by hunting; and again frequently return to the siege, if by any means they hope to get a scalp. * * * Such was the enemy who infested Kentucky, and with whom the early adventurers had to contend. In the combat, they were brave; in defeat, they were dextrous; in victory they were cruel. Neither sex, nor age, nor the prisoner, were exempted from their tomahawk or scalping-knife. They saw their perpetual enemy taking possession of their HUNTING GROUND; to them the source of amusement, of supply, and of traffic; and they were determined to dispute it to the utmost of their means. * * * In the most difficult times the Indians were obliged to retire into the woods; sometimes in pursuit of game; sometimes as to a place of safety; and, generally by night they withdrew to encamp at a distance. In these intervals, the white men would plough their corn, or gather their crop, or get up their cattle, or hunt the deer, the bear, and buffalo, for their own food."

CHAPTER XII.

EXPEDITION OF COLONEL GEORGE ROGERS CLARK.

In the summer of the year 1778, Colonel George Rogers Clark, a native of Albemarle county, in Virginia, led a memorable expedition against the ancient French settlements about Kaskaskia and Post Vincennes. With respect to the magnitude of its design, the valor and perseverance with which it was carried on, and the momentous results which were produced by it, this expedition stands without a parallel in the

early annals of the valley of the Mississippi. The particulars* of the most interesting events that occurred in the progress of this remarkable enterprise, are here related in the plain style of the commander of the expedition.

"It was at this period," [1775,] says Clark, in his memoir, "that I first had thoughts of paying some attention to the interests of this country.† The proprietors, Henderson and Company, took great pains to ingratiate themselves in the favor of the people; but, too soon for their interest, they began to raise on their lands, which caused many to complain. A few gentlemen made some attempts to persuade the people to pay no attention to them. I plainly saw that they would work their own ruin, as the greatest security they had for the country would be that of making it the interest of the people to support their claim. * * * I left the country in the fall of 1775, and returned in the spring following. While in Virginia, I found there were various opinions respecting Henderson and Company's claim. Many thought it was good; others doubted whether or not Virginia could, with propriety, have any pretensions to the country. This was what I wanted to know. I immediately fixed on my plans, viz: that of assembling the people—getting them to elect deputies, and sending them to treat with the assembly of Virginia respecting the condition of the country. If valuable conditions were procured, we could declare ourselves citizens of the State; otherwise, we might establish an independent government; and, by giving away a great part of the lands, and disposing of the remainder, we would not only gain great numbers of inhabitants, but in a good measure protect them. To carry this scheme into effect, I appointed a general meeting at Harrodstown, on the 6th of June, 1776, and stated that something would be proposed to the people that very much concerned their interest. The reason I had for not publishing what I wished to be done, before the day, was that the people should not get into parties on the subject; and as every one would wish to know what was to be done, there would be a more

* Extracted from the MS. "Memoirs of General George Rogers Clark, composed by himself at the united desire of Presidents Jefferson and Madison."

† Kentucky.

general meeting. But, unfortunately, it was late in the evening of that day before I could get to the place. The people had been in some confusion—but at last concluded that the whole design was to send delegates to the assembly of Virginia with a petition praying the assembly to accept them as such—to establish a new county, etc. The polls were opened, and before I had arrived, they had far advanced in the election, and had entered with such spirit into it that I could not get them to change the principle—that of *delegates with petitions*, to that of *deputies under the authority of the people*. In short, I did not take much pains. Mr. Gabriel Jones and myself were elected; the papers were prepared; and in a few days we set out for Williamsburg, in the hope of arriving before the assembly, then sitting, should rise. * * We proceeded on our journey as far as Bottetourt county, and there learned that we were too late; for the assembly had already risen. We were now at a loss, for some time, to determine what to do, but concluded that we should wait until the fall session—in the meantime, I should go to Williamsburg and attempt to procure some powder for the Kentuckians, and watch their interests. We parted. Mr. Jones returned to Holston to join the forces that were raising, in order to repel the Cherokee Indians, (as they had lately commenced hostilities,) and myself proceeded to the governor of Virginia.

“Mr. Henry, the governor, lay sick at his seat in Hanover, where I waited on him, and produced my vouchers. He appeared much disposed to favor the Kentuckians, and wrote, by me, to the council on the subject. I attended them. My application was for five hundred pounds of powder, to be conveyed to Kentucky as an immediate supply. After various questions and consultations, the council agreed to furnish the supply; but as we were a detached people, and not yet united to the State of Virginia, and uncertain until the sitting of the assembly whether we should be, they would only lend us the ammunition as friends in distress, but that I must become answerable for it in case the assembly should not receive us as citizens of the State. I informed them that it was out of my power to pay the expense of carriage and guards necessary for those supplies—that the British officers on our frontiers were making use of every effort to engage the Indians in the

war—that the people might be destroyed for the want of this small supply—and that I was in hopes they would consider these matters, and favor us by sending the ammunition at public expense. They replied that they were really disposed to do every thing for us in their power consistent with their office, which I believed. After making use of many arguments to convince me that even what they proposed was a stretch of power, they informed me that ‘they could venture no farther.’ An order was issued to the keeper of the magazine to deliver me the ammunition. I had for twelve months past reflected so much on the various situations of things, respecting ourselves and the continent at large, that my resolution was formed before I left the council-chamber. I resolved to return the order I had received, and immediately repair to Kentucky, knowing that the people would readily fall into my first plan—as what had passed had almost reduced it to a certainty of success. I wrote to the council, and inclosed the order, informing them that I had weighed the matter, and found that it was out of my power to convey those stores at my own expense such a distance through an enemy’s country—that I was sorry to find we should have to seek protection elsewhere, which I did not doubt of getting—that if a country was not worth protecting, it was not worth claiming, etc. What passed on the reception of this letter, I can not tell. It was, I suppose, nothing more than what might be expected by a set of gentlemen zealous in the welfare of their country, and fully apprised of what they might expect to take place in Kentucky. I was sent for. Being a little prejudiced in favor of my mother country, I was willing to meet halfway. Orders were immediately issued, dated August 23d, 1776, for conveying those stores to Pittsburg, and there to await further orders from me.

“Things being amicably settled, I wrote to Kentucky giving information of what I had done, and recommended them to send to Pittsburg and convey the ammunition by water to their own country. This they never received. I waited until the fall session, when I was joined by my colleague, Mr. Jones. We laid our papers before the assembly. They resolved that we could not take our seats as members, but that our business should be attended to. Colonel Henderson, one of the

purchasers of the Cherokees, being present, retarded our business. Colonel Arthur Campbell, one of the members, being also opposed to our having a new county, wished us annexed to the county on the frontiers of which we lay, and which he represented. This caused it to be late in the session* before we got a complete establishment of a county by the name of Kentucky. * * * * The commandants of the different towns of the Illinois and Wabash, I knew were busily engaged in exciting the Indians. Their reduction became my first object—expecting, probably, that it might open a field for further action. I sent two young hunters to those places [in the summer of 1777] as spies, with proper instructions for their conduct, to prevent suspicion. Neither did they, nor any one in Kentucky, ever know my design until it was ripe for execution.† They returned to Harrodstown with all the

* December 7, 1776.

† Silas Deane, who, early in 1776, was commissioned by authority of Congress to go to France as a political and commercial agent, wrote as follows to the committee of secret correspondence:

“PARIS, 1st December, 1776.

“To effect any considerable loan in Europe is perhaps difficult. * * It is obvious, that let the loan be made when it will, it must have a day fixed for payment, and respect to some fund appropriated to that purpose. The relying on future taxes is holding up to the people a succession of distresses and burdens which are not to cease even with the war itself—whereas, could they have a prospect of paying the expenses of the war at the close of it, and enjoying the remainder of their fortunes clear of incumbrance, it must greatly encourage and animate both the public and private spirit in pushing it on with vigor. * * * The good and wise part, the lovers of liberty and human happiness look forward to the establishment of American freedom and independence as an event which will secure to them and their descendants an asylum from the effects and violence of despotic power, daily gaining ground in every part of Europe. From these and other considerations, on which I need not be minute, emigration from Europe will be prodigious immediately on the establishment of American independence. The consequence of this must be the rise of the lands already settled, and a demand for new or uncultivated land. On this demand I conceive a certain fund may now be fixed. * * * I trace the river Ohio from its junction to its head, thence north to lake Erie, on the south and west of that lake to Fort Detroit, which is in the latitude of Boston; thence a west course to the Mississippi, and return to the place of my departure. These three lines, of near one thousand miles each, include an immense territory in a fine climate, well watered, and by accounts exceedingly fertile; it is not inhabited by any Europeans of consequence, and the tribes of Indians are inconsidera-

information I could reasonably have expected. I found from them that they had but little expectation of a visit from us, but that things were kept in good order, the militia trained, etc., that they might, in case of a visit, be prepared—that the greatest pains were taken to inflame the minds of the French inhabitants against the Americans, notwithstanding they could discover traces of affection in some of the inhabitants—that the Indians in that quarter were engaged in the war, etc.

“When I left Kentucky, October 1st, 1777, I plainly saw that every eye was turned toward me, as if expecting some stroke in their favor. Some doubted my return, expecting I would join the army in Virginia. I left them with reluctance, promising them that I would certainly return to their assistance, which I had predetermined. On my arrival at Williamsburg, I remained a considerable time settling the accounts of the Kentucky militia, and making remarks of every thing I saw or heard, that could lead me to the knowledge of the disposition of those in power. Burgoyne’s army having been captured, and things seeming to wear a pleasing aspect, on the 10th December I communicated my design to Governor Henry. At first he seemed to be fond of it; but to detach a party at so great a distance, (although the service performed might be of great utility,) appeared daring and hazardous, as nothing but *secrecy* could give success to the enterprise. To lay the matter before the assembly, then sitting, would be dangerous, as it would soon be known throughout the frontiers; and probably the first prisoner taken by the Indians would give the alarm, which would end in the certain destruction of the party. He had several private councils, composed of select gentlemen. After making every inquiry into my proposed plans of operation, (and particularly that of a retreat, in case of misfortune, across the Mississippi into the Spanish territory,) the expedition was resolved upon; and as an encouragement to those who would engage in said service, an instrument of writing was signed, wherein those gentlemen promised to use their influ-

ble, and will decrease faster than the lands can possibly be demanded for cultivation. To this I ask your attention as a resource amply adequate, under proper regulations, for defraying the whole expense of the war, and the sums necessary to be given the Indians in purchase of the native right.”—SPARKS’
DIP. COR. OF AM. REV., i, 77.

ence to procure from the assembly three hundred acres of land for each in case of success. The governor and council so warmly engaged in the success of this enterprise, that I had very little trouble in getting matters adjusted; and on the 2d day of January, 1778, received my instructions, and £1,200 for the use of the expedition, with an order on Pittsburg for boats, ammunition, etc. Finding, from the governor's conversation in general to me, on the subject, that he did not wish an implicit attention to his instructions should prevent my executing any thing that would manifestly tend to the good of the public, on the 4th I set forward, clothed with all the authority that I wished. I advanced to Major William Smith £150 to recruit men on Holston, and to meet me in Kentucky. Captain Leonard Helm, of Fauquier, and Captain Joseph Bowman, of Frederick, were to raise each a company, and on the [1st?] February arrive at Red Stone Old Fort.*

"Being now in the country where all arrangements were to be made, I appointed Captain Wm. Harrod, and many other officers, to the recruiting service; and contracted for flour and other stores that I wanted. * * * I received information from Captain Helm that several gentlemen took pains to counteract his interest in recruiting, as no such service was known of by the assembly. Consequently he had to send to the governor to get his conduct ratified. I found also opposition to our interest in the Pittsburg country. As the whole was divided into violent parties between the Virginians and Pennsylvanians, respecting territory, the idea of men being raised for the State of Virginia affected the vulgar of the one party; and as my real instructions were kept concealed, and only an instrument from the governor, written designedly for deception, was made public, wherein I was authorized to raise men for the defense of Kentucky, many gentlemen of both parties conceived it to be injurious to the public interest to draw off men at so critical a moment for the defense of a few detached inhabitants, who had better be removed, etc. These circumstances caused some confusion in the recruiting service. On the 29th March, I received a letter from Major Smith by express, informing me that he had raised four companies on Holston, to be marched

* Now Brownsville, on the river Monongahela.

immediately to Kentucky, agreeably to his orders; and an express from Kentucky informed me that they had gained considerable strength since I left that quarter. The information of four companies being raised, with Bowman's and Helm's, which I knew were on their way to join me at Red Stone, caused me to be more easy respecting recruits than otherwise I should have been. The officers only got such as had friends in Kentucky, or those induced by their own interest, and desire to see the country. Meeting with several disappointments, it was late in May before I could leave the Red Stone settlement, with those companies, and a considerable number of families and private adventurers. Taking in my stores at Pittsburg and Wheeling, I proceeded down the river with caution." * * * *

On arriving with his forces at the Falls of the Ohio, Colonel Clark took possession of an island which contained about seven acres. He divided this island among a small number of families, for whose protection he constructed some light fortifications.

Of the four companies that were recruited by Major Smith, on the Holston, only one had arrived in Kentucky; and when Clark disclosed to the troops his daring designs against Post Vincennes and Kaskaskia, he was deserted by the greater part of that company. Another obstacle interfered with his plans. He found that the settlers of Kentucky, owing to the hostile temper of the Indians, could not at that time hazard a material diminution of the strength of their forts by joining the expedition under his command.

The memoir of Clark proceeds:—"On the [24th] of June, 1778, we left our little island and run about a mile up the river in order to gain the main channel; and shot the falls at the very moment of the sun being in a great eclipse, which caused various conjectures among the superstitious. As I knew that spies were kept on the river, below the towns of the Illinois, I had resolved to march part of the way by land; and of course left the whole of our baggage, except as much as would equip us in the Indian mode. The whole of our force, after leaving such as was judged not competent to the expected fatigue, consisted only of four companies, commanded by Captains John Montgomery, Joseph Bowman, Leonard

Helms, and William Harrod. My force being so small to what I expected, owing to the various circumstances already mentioned, I found it necessary to alter my plans of operation. As Post Vincennes, at this time, was a town of considerable force, consisting of near four hundred militia, with an Indian town adjoining, and great numbers continually in the neighborhood, and in the scale of Indian affairs of more importance than any other, I had thought of attacking it first; but now found that I could by no means venture near it. I resolved to begin my career in the Illinois, where there was more inhabitants, but scattered in different villages, and less danger of being immediately overpowered by the Indians: in case of necessity we could probably make our retreat to the Spanish side of the Mississippi; but if successful, we might pave our way to the possession of Post Vincennes.

“I had fully acquainted myself that the French inhabitants in those western settlements had great influence among the Indians in general, and were more beloved by them than any other Europeans—that their commercial intercourse was universal throughout the western and northwestern countries—and that the governing interest on the lakes was mostly in the hands of the English, who were not much beloved by them. These, and many other ideas similar thereto, caused me to resolve, if possible, to strengthen myself by such train of conduct, as might probably attach the French inhabitants to our interest, and give us influence at a greater distance than the country we were aiming for. These were the principles that influenced my future conduct; and, fortunately, I had just received a letter from Colonel Campbell, dated Pittsburg, informing me of the contents of the treaties* between France and America. As I intended to leave the Ohio at Fort Massac, three leagues below the Tennessee, I landed on a small island in the mouth of that river, in order to prepare for the

*On the 6th of February, 1778, France acknowledged the independence of the United States, and concluded a treaty of amity and commerce, and a treaty of alliance with the new Republic. The British ministry considered these acts equivalent to a declaration of war by France against Great Britain. The first article of the Treaty of Alliance between the United States and France, was fixed in these words:—“ART. I. If war should break out between France and Great Britain during the continuance of the present war between

march. In a few hours after, one John Duff and a party of hunters coming down the river, were brought to by our boats. They were men formerly from the States, and assured us of their happiness in the adventure. * * * * They had been but lately from Kaskaskia, and were able to give us all the intelligence we wished. They said that Governor Abbott had lately left Post Vincennes, and gone to Detroit on some business of importance—that Mr. Rochblave commanded at Kaskaskia, etc.—that the militia was kept in good order, and spies on the Mississippi—and that all hunters, both Indians and others, were ordered to keep a good look out for the Rebels—that the fort was kept in good order, as an asylum, etc.—but they believed the whole to proceed more from the fondness of parade than the expectation of a visit—that, if they received timely notice of us, they would collect and give us a warm reception, as they were taught to harbor a most horrid idea of the barbarity of Rebels, especially the Virginians; but, that if we could surprise the place, which they were in hopes we might, they made no doubt of our being able to do as we pleased—that they hoped to be received as partakers in the enterprise, and wished us to put full confidence in them, and they would assist the guides in conducting the party. This was agreed to, and they proved valuable men.

“The acquisition to us was great, as I had no intelligence from these posts since the spies I sent twelve months past. But no part of their information pleased me more than that of the inhabitants viewing us as more savage than their neighbors, the Indians. I was determined to improve upon this if I was fortunate enough to get them into my possession; as I conceived the greater the shock I could give them at first, the more sensibly would they feel my lenity, and become more valuable friends. This I conceived to be agreeable to human nature, as I had observed it in many instances. Having every thing prepared, we moved down to a little gully, a small distance above Massac, in which we concealed our boats, and set

the United States and England, his majesty and the United States shall make it a common cause, and aid each other mutually with their good offices, their counsels, and their forces, according to the exigence of conjunctures, as becomes good and faithful allies.” This Treaty of Alliance was annulled by an act of Congress, on the 7th of July, 1798.

out a northwest course. The weather was favorable; in some parts water was scarce, as well as game; of course we suffered drought and hunger, but not to excess. On the third day, John Saunders, our principal guide, appeared confused; and we soon discovered that he was totally lost, without there was some other cause of his present conduct. I asked him various questions, and from his answers I could scarcely determine what to think of him; whether or not that he was lost, or that he wished to deceive us. * * * The cry of the whole detachment was that he was a traitor. He begged that he might be suffered to go some distance into a plain that was in full view, to try to make some discovery whether or not he was right. I told him he might go, but that I was suspicious of him from his conduct—that from the first day of his being employed, he always said he knew the way well—that there was now a different appearance—that I saw the nature of the country was such that a person once acquainted with it, could not, in a short time, forget it—that a few men should go with him, to prevent his escape—and that if he did not discover and take us into the hunter's road that led from the east into Kaskaskia, which he had frequently described, I would have him immediately put to death, which I was determined to have done; but after a search of an hour or two he came to a place that he knew perfectly, and we discovered that the poor fellow had been, as they call it, bewildered.

“On the 4th of July, in the evening, we got within a few miles of the town, where we lay until near dark, keeping spies ahead, after which we commenced our march, and took possession of a house wherein a large family lived, on the bank of the Kaskaskia river, about three-quarters of a mile above the town. Here we were informed that the people, a few days before, were under arms, but had concluded that the cause of the alarm was without foundation; and that at that time there was a great number of men in town, but that the Indians had generally left it, and at present all was quiet. We soon procured a sufficiency of vessels, the more in case to convey us across the river. * * * * With one of the divisions, I marched to the fort, and ordered the other two into different quarters of the town. If I met with no resistance, at a certain signal a general shout was to be given, and certain parts were

to be immediately possessed; and the men of each detachment who could speak the French language, were to run through every street and proclaim what had happened, and inform the inhabitants that every person who appeared in the streets would be shot down. This disposition had its desired effect. In a very little time we had complete possession; and every avenue was guarded, to prevent any escape, to give the alarm to the other villages in case of opposition. Various orders had been issued not worth mentioning. I don't suppose greater silence ever reigned among the inhabitants of a place than did at this at present: not a person to be seen, not a word to be heard from them for some time; but, designedly, the greatest noise kept up by our troops through every quarter of the town, and patrols continually the whole night round it; as intercepting any information was a capital object; and in about two hours the whole of the inhabitants were disarmed, and informed that if one was taken attempting to make his escape he should be immediately put to death."

CHAPTER XIII.

CLARK'S MOVEMENTS AT KASKASKIA.

WHEN Colonel Clark, by the use of various bloodless means, had raised the terror of the French inhabitants to a painful height, he surprised them and won their confidence and friendship by performing, unexpectedly, several acts of justice and generosity. On the morning of the 5th of July, a few of the principal men were arrested and put in irons. Soon afterward, M. Gibault, the priest of the village, accompanied by five or six aged citizens, waited on Clark and said that the inhabitants expected to be separated, perhaps never to meet again, and they begged to be permitted to assemble in their church and there to take leave of each other. Clark mildly told the priest that he had nothing to say against his religion;

that it was a matter which Americans left for every man to settle with his God; that the people might assemble in their church if they would—but that they must not venture out of town. Nearly the whole French population assembled at the church. The houses were deserted by all who could leave them, and Clark gave orders to prevent any soldiers from entering the vacant buildings. After the close of the meeting at the church, a deputation consisting of M. Gibault and several other persons, waited on Clark and said, “that their present situation was the fate of war, and that they could submit to the loss of their property, but they solicited that they might not be separated from their wives and children, and that some clothes and provisions might be allowed for their support.” Clark feigned surprise at this request, and abruptly exclaimed: “Do you mistake us for savages? I am almost certain you do from your language! Do you think that Americans intend to strip women and children, or take the bread out of their mouths?” “My countrymen,” said Clark, “disdain to make war upon helpless innocence. It was to prevent the horrors of Indian butchery upon our own wives and children that we have taken arms and penetrated into this remote stronghold of British and Indian barbarity, and not the despicable prospect of plunder. That now the king of France had united his powerful arms with those of America, the war would not, in all probability, continue long; but the inhabitants of Kaskaskia were at liberty to take which side they pleased, without the least danger to either their property or families. Nor would their religion be any source of disagreement, as all religions were regarded with equal respect in the eye of the American law, and that any insult offered it would be immediately punished. And now, to prove my sincerity, you will please inform your fellow-citizens that they are quite at liberty to conduct themselves as usual, without the least apprehension. I am now convinced, from what I have learned since my arrival among you, that you have been misinformed and prejudiced against us by British officers; and your friends who are in confinement shall immediately be released.”* In a few minutes after the delivery of this speech, the gloom that rested on the minds of

* Clark's Memoir.

the inhabitants of Kaskaskia had passed away. The news of the treaty of alliance between France and the United States, and the influence of the magnanimous conduct of Clark, induced the French villagers to take the oath of allegiance to the State of Virginia. Their arms were restored to them, and a volunteer company of French militia joined a detachment under Captain Bowman, when that officer was dispatched to take possession of Cahokia. The inhabitants of this small village readily took the oath of allegiance to Virginia.

The memoir of Clark proceeds: "Post Vincennes never being out of my mind, and from some things that I had learned, I had some reason to suspect that Mr. Gibault, the priest, was inclined to the American interest previous to our arrival in the country. He had great influence over the people at this period, and Post Vincennes was under his jurisdiction. I made no doubt of his integrity to us. I sent for him, and had a long conference with him on the subject of Post Vincennes. In answer to all my queries, he informed me that he did not think it worth my while to cause any military preparation to be made at the Falls of the Ohio for the attack of Post Vincennes, although the place was strong and a great number of Indians in its neighborhood, who, to his knowledge, were generally at war—that Governor Abbott had, a few weeks before, left the place on some business to Detroit—that he expected that when the inhabitants were fully acquainted with what had passed at the Illinois, and the present happiness of their friends, and made fully acquainted with the nature of the war, that their sentiments would greatly change—that he knew that his appearance there would have great weight, even among the savages—that if it was agreeable to me he would take this business on himself, and had no doubt of his being able to bring that place over to the American interest without my being at the trouble of marching against it—that his business being altogether spiritual, he wished that another person might be charged with the temporal part of the embassy, but that he would privately direct the whole; and he named Doctor Lafont as his associate.

"This was perfectly agreeable to what I had been secretly aiming at for some days. The plan was immediately settled, and the two doctors, with their intended retinue, among whom

I had a spy, set about preparing for their journey, and set out on the 14th of July, with an address to the inhabitants of Post Vincennes, authorising them to garrison their own town themselves, which would convince them of the great confidence we put in them, etc. All this had its desired effect. Mr. Gibault and his party arrived safe, and, after their spending a day or two in explaining matters to the people, they universally acceded to the proposal (except a few emissaries left by Mr. Abbott, who immediately left the country) and went in a body to the church, where the oath of allegiance was administered to them in the most solemn manner. An officer was elected, the fort immediately [garrisoned], and the American flag displayed, to the astonishment of the Indians, and every thing settled far beyond our most sanguine hopes. The people here immediately began to put on a new face, and to talk in a different style, and to act as perfect freemen. With a garrison of their own, with the United States at their elbow, their language to the Indians was immediately altered. They began as citizens of the United States, and informed the Indians that their old father, the king of France, was come to life again, and was mad at them for fighting for the English, that they would advise them to make peace with the Americans as soon as they could, otherwise they might expect the land to be very bloody, etc. The Indians began to think seriously. Throughout the country this was now the kind of language they generally got from their ancient friends of the Wabash and Illinois. Through the means of their correspondence spreading among the nations, our batteries began now to play in a proper channel. Mr. Gibault and party, accompanied by several gentlemen of Post Vincennes, returned to Kaskaskia, about the first of August, with the joyful news. During his absence on this business, which caused great anxiety in me, (for without the possession of this post all our views would have been blasted,) I was exceedingly engaged in regulating things in the Illinois. The reduction of these posts was the period of the enlistment of our troops. I was at a great loss at this time to determine how to act, and how far I might venture to strain my authority. My instructions were silent on many important points, as it was impossible to foresee the events that would take place. To abandon the country, and all the prospects that

opened to our view in the Indian department at this time, for the want of instruction in certain cases, I thought would amount to a reflection on government, as having no confidence in me. I resolved to usurp all the authority necessary to carry my points. I had the greater part of our [troops] reënlisted on a different establishment—commissioned French officers in the country to command a company of the young inhabitants; established a garrison at Cahokia, commanded by Captain Bowman; and another at Kaskaskia, commanded by Captain Williams. Post Vincennes remained in the situation as mentioned. Colonel William Linn, who had accompanied us a volunteer, took charge of a party that was to be discharged on their arrival at the Falls, and orders were sent for the removal of that post to the main land. Captain John Montgomery was dispatched to government with letters. * * I again turned my attention to Post Vincennes. I plainly saw that it would be highly necessary to have an American officer at that post. Captain Leonard Helm appeared calculated to answer my purpose; he was past the meridian of life, and a good deal acquainted with the Indian [disposition]. I sent him to command at that post; and also appointed him agent for Indian affairs in the department of the Wabash. * * * About the middle of August he set out to take possession of his new command.

“An Indian chief called the Tobacco’s Son, a Piankeshaw, at this time resided in a village adjoining Post Vincennes. This man was called by the Indians ‘The Grand Door to the Wabash;’ and as nothing of consequence was to be undertaken by the league on the Wabash without his assent, I discovered that to win him was an object of signal importance. I sent him a spirited compliment by Mr. Gibault; he returned it. I now, by Captain Helm, touched him on the same spring that I had done the inhabitants, and sent a speech, with a belt of wampum;* directing Captain Helm how to manage, if the

* “Belts of wampum,” says Captain Jonathan Carver, “are made of shells, found on the coasts of New England and Virginia, which are sawed out into beads of an oblong form, about a quarter of an inch long, and round like other beads. Being strung on leather strings, and several of them sewed neatly together with fine sinewy threads, they then compose what is termed a belt of wampum. The shells are generally of two colors—some

chief was pacifically inclined, or otherwise. The captain arrived safe at Post Vincennes, and was received with acclamations by the people. After the usual ceremony was over, he sent for the Grand Door, and delivered my letter to him. After having it read, he informed the captain that he was happy to see him, one of the Big Knife chiefs, in this town—it was here that he had joined the English against him; but he confessed that he always thought that they looked gloomy; that as the contents of the letter was a matter of great moment, he could not give an answer for some time—that he must collect his counsellors on the subject; and was in hopes the captain would be patient. In short, he put on all the courtly dignity that he was master of; and Captain Helm, following his example, it was several days before this business was finished, as the whole proceeding was very ceremonious. At length the captain was invited to the Indian council, and informed by the Tobacco that they had maturely considered the case in hand, and had got the nature of the war between the English and us explained to their satisfaction; that, as we spoke the same language, and appeared to be the same people, he always thought that he was in the dark as to the truth of it; but now the sky was cleared up; that he found that the Big Knife was in the right; that perhaps, if the English conquered, they would serve them in the same manner that they intended to serve us; that his ideas were quite changed; and that he would tell all the red people on the Wabash to bloody the land no more for the English. He jumped up, struck his breast, called himself a man and a warrior, said that he was now a Big Knife, and took Captain Helm by the hand. His example was followed by all present, and the evening was spent in merriment. Thus ended this valuable negotiation, and the saving of much blood. * * * * In a short time, almost the whole of the various tribes of the different nations on the Wabash, as high as the Ouiatenon, came to Post Vincennes, and followed the example of the Grand Door chief; and as

white, and others violet; but the latter are more highly esteemed than the former. They are held in as much estimation by the Indians, as gold, silver, or precious stones are by the Europeans.”—CARVER’S TRAVELS THROUGH THE INTERIOR PARTS OF NORTH AMERICA, IN 1766, 1767 AND 1768, p. 235.

expresses were continually passing between Captain Helm and myself the whole time of these treaties, the business was settled perfectly to my satisfaction, and greatly to the advantage of the public. The British interest daily lost ground in this quarter, and in a short time our influence reached the Indians on the river St. Joseph, and the border of lake Michigan. The French gentlemen, at the different posts that we now had possession of, engaged warmly in our interest. They appeared to vie with each other in promoting the business; and through the means of their correspondence, trading among the Indians, and otherwise, in a short time the Indians of the various tribes inhabiting the region of Illinois, came in great numbers to Cahokia, in order to make treaties of peace with us. From the information they generally got from the French gentlemen (whom they implicitly believed) respecting us, they were truly alarmed; and, consequently, we were visited by the greater part of them, without any invitation from us: of course we had greatly the advantage, in making use of such language as suited our [interest]. Those treaties, which commenced about the last of August, and continued between three and four weeks, were probably conducted in a way different from any other known in America at that time. I had been always convinced that our general conduct with the Indians was wrong; that inviting them to treaties was considered by them in a different manner to what we expected, and imputed, by them, to fear; and that giving them great presents confirmed it. I resolved to guard against this, and I took good pains to make myself acquainted fully with the French and Spanish methods of treating Indians, and with the manners, genius, and disposition of the Indians in general. As in this quarter they had not yet been spoiled by us, I was resolved that they should not be. I began the business fully prepared, having copies of the British treaties."

At the first great council, which was opened at Cahokia, an Indian chief, with a belt of peace in his hand, advanced to the table at which Colonel Clark was sitting; another chief, bearing the sacred pipe of the tribe, went forward to the table; and a third chief then advanced with fire to kindle the pipe. When the pipe was lighted, it was figuratively presented to the heavens, then to the earth, and then to all the good spirits;

thus invoking the heavens, the earth, and all the good spirits, to witness what was about to be done. After the observance of these forms, the pipe was presented to Clark, and afterward to every person present. An Indian speaker then addressed the Indians as follows: "Warriors! you ought to be thankful that the Great Spirit has taken pity on you, and cleared the sky, and opened your ears and hearts, so that you may hear the truth. We have been deceived by bad birds flying through the land; but we will take up the bloody hatchet no more against the Big Knife; and we hope, as the Great Spirit has brought us together for good, as he is good, that we may be received as friends, and that the belt of peace may take the place of the bloody belt."

"I informed them," says Clark, "that I had paid attention to what they had said; and that on the next day I would give them an answer, when I hoped the ears and hearts of all people would be open to receive the truth which should be spoken without deception. I advised them to keep themselves prepared for the result of this day, on which perhaps their very existence as a nation depended, etc., and dismissed them—not suffering any of our people to shake hands with them, as peace was not yet concluded—telling them it was time enough to give the hand when the heart could be given also. They replied that 'such sentiments were like men who had but one heart, and did not speak with a double tongue.' The next day I delivered them the following speech:

"Men and warriors! pay attention to my words. You informed me yesterday, that the Great Spirit had brought us together, and that you hoped, as he was good, that it would be for good. I have also the same hope, and expect that each party will strictly adhere to whatever may be agreed upon—whether it be peace or war—and henceforward prove ourselves worthy of the attention of the Great Spirit. I am a man and a warrior—not a counselor. I carry War in my right hand, and in my left, Peace. I am sent by the Great Council of the Big Knife, and their friends, to take possession of all the towns possessed by the English in this country; and to watch the motions of the red people; to bloody the paths of those who attempt to stop the course of the river; but to clear the roads from us to those who desire to be in peace, that the women

and children may walk in them without meeting any thing to strike their feet against. I am ordered to call upon the Great Fire for warriors enough to darken the land, and that the red people may hear no sound, but of birds who live on blood. I know there is a mist before your eyes. I will dispel the clouds, that you may clearly see the cause of the war between the Big Knife and the English; then you may judge for yourselves which party is in the right; and if you are warriors, as you profess to be, prove it by adhering faithfully to the party which you shall believe to be entitled to your friendship; and do not show yourselves to be squaws.

“The Big Knives are very much like the Red People; they don't know how to make blankets, and powder, and cloth. They buy these things from the English, from whom they are sprung. They live by making corn, hunting, and trade, as you and your neighbors, the French, do. But the Big Knives daily getting more numerous, like the trees in the woods, the land became poor, and hunting scarce; and having but little to trade with, the women began to cry at seeing their children naked, and tried to learn how to make clothes for themselves. They soon made blankets for their husbands and children; and the men learned to make guns and powder. In this way we did not want to buy so much from the English. They then got mad with us, and sent strong garrisons through our country; as you see they have done among you on the lakes, and among the French. They would not let our women spin, nor our men make powder, nor let us trade with any body else. The English said we should buy every thing from them; and, since we had got saucy, we should give two bucks for a blanket, which we used to get for one: we should do as they pleased; and they killed some of our people, to make the rest fear them. This is the truth, and the real cause of the war between the English and us, which did not take place for some time after this treatment.

“But our women became cold and hungry, and continued to cry. Our young men got lost for want of counsel to put them in the right path. The whole land was dark. The old men held down their heads for shame, because they could not see the sun: and thus there was mourning for many years over the land. At last the Great Spirit took pity on us, and kindled a

great council fire, that never goes out, at a place called Philadelphia. He then stuck down a post, and put a war tomahawk by it, and went away. The sun immediately broke out: the sky was blue again: and the old men held up their heads, and assembled at the fire. They took up the hatchet—sharpened it—and put it into the hands of our young men—ordering them to strike the English as long as they could find one on this side of the great waters. The young men immediately struck the war post, and blood was shed. In this way the war began; and the English were driven from one place to another, until they got weak; and then they hired you Red People to fight for them. The Great Spirit got angry at this, and caused your old father, the French king, and other great nations, to join the Big Knives, and fight with them against all their enemies. So the English have become like deer in the woods; and you may see that it is the Great Spirit that has caused your waters to be troubled, because you have fought for the people he was mad with. If your women and children should now cry, you must blame yourselves for it, and not the Big Knives.

“You can now judge who is in the right. I have already told you who I am. Here is a bloody belt and a white one; take which you please. Behave like men: and don’t let your being surrounded by the Big Knives cause you to take up the one belt with your hands, while your hearts take up the other. If you take the bloody path you shall leave the town in safety, and may go and join your friends, the English. We will then try, like warriors, who can put the most stumblingblocks in each other’s way, and keep our clothes longest stained with blood. If, on the other hand, you should take the path of peace, and be received as brothers to the Big Knives, with their friends, the French, should you then listen to bad birds that may be flying through the land, you will no longer deserve to be counted as men, but as creatures with two tongues, that ought to be destroyed without listening to any thing you might say. As I am convinced you never heard the truth before, I do not wish you to answer before you have taken time to counsel. We will, therefore, part this evening: and when the Great Spirit shall bring us together again, let us speak and think like men with but one heart and one tongue.”

“The next day after this speech, a new fire was kindled with more than usual ceremony: an Indian speaker came forward and said, ‘they ought to be thankful that the Great Spirit had taken pity on them, and opened their ears and their hearts to receive the truth. He had paid great attention to what the Great Spirit had put into my heart to say to them. They believed the whole to be the truth; as the Big Knives did not speak like any other people they had ever heard. They now saw they had been deceived, and that the English had told them lies, and that I had told them the truth—just as some of their old men had always told them. They now believed that we were in the right: and as the English had forts in their country, they might, if they got strong enough, want to serve the Red People as they had treated the Big Knives. The Red People ought, therefore, to help us; and they had, with a cheerful heart, taken up the belt of peace, and spurned that of war. They were determined to hold the former fast: and would have no doubt of our friendship, from the manner of our speaking—so different from that of the English. They would now call in their warriors, and throw the tomahawk into the river, where it could never be found. They would suffer no more bad birds to fly through the land, disquieting the women and children. They would be careful to smooth the roads for their brothers, the Big Knives, whenever they might wish to come and see them. Their friends should hear of the good talk I had given them; and they hoped I would send chiefs among them, with my eyes, to see myself that they were men, and strictly adhered to all they had said at this great fire, which the Great Spirit had kindled at Cahokia, for the good of all people who would attend it.”

The sacred pipe was again kindled, and presented, figuratively, to the heavens and the earth, and to all the good spirits as witness of what had been done. The Indians and the white men then closed the council, by smoking the pipe and shaking hands. With no material variation either of the forms that were observed, or of the speeches that were made, at this council, Colonel Clark and his officers concluded treaties of peace with the Piankeshaws, Ouiatenons, Kickapoos, Illinois, Kaskaskias, Peorias, and branches of some other tribes that inhabited the country between lake Michigan and the Mississippi.

Governor Henry soon received intelligence of the successful progress of the expedition under the command of Clark. The French inhabitants of the villages of Kaskaskia, Cahokia, and Post Vincennes, having taken the oath of allegiance to the State of Virginia, the General Assembly of that State, in October, 1778, passed an act which contained the following provisions, viz:—All the citizens of the commonwealth of Virginia, “who are already settled, or shall hereafter settle, *on the western side of the Ohio*, shall be included in a distinct county, which shall be called *Illinois county*: and the governor of this commonwealth, with the advice of the council, may appoint a county lieutenant, or commandant-in-chief in that county, during pleasure, who shall appoint and commission so many deputy-commandants, militia officers, and commissaries, as he shall think proper, in the different districts, during pleasure; all of whom, before they enter into office, shall take the oath of fidelity to this commonwealth, and the oath of office, according to the form of their own religion. And all civil officers to which the inhabitants have been accustomed, necessary for the preservation of the peace, and the administration of justice, shall be chosen by a majority of the citizens in their respective districts, to be convened for that purpose, by the county lieutenant or commandant, or his deputy, and shall be commissioned by the said county lieutenant or commandant-in-chief.”

Before the provisions of this law were carried into effect, Henry Hamilton, the British lieutenant-governor of Detroit, collected an army, consisting of about thirty regulars, fifty French volunteers, and four hundred Indians. With this force he passed down the river Wabash, and took possession of Post Vincennes on the 15th of December, 1778. No attempt was made by the population to defend the town. Captain Helm* was taken and detained as a prisoner, and a number of the French inhabitants were disarmed.

*The following anecdote is related in Butler's History of Kentucky, p. 80: “When Governor Hamilton entered Vincennes, there were but two Americans there, Captain Helm, the commandant, and one Henry. The latter had a cannon well charged, and placed in the open fort gate, while Helm stood by it with a lighted match in his hand. When Hamilton and his troops got within hailing distance, the American officer, in a loud voice, cried out,

CHAPTER XIV.

CAPITULATION OF THE BRITISH FORCES AT VINCENNES.

SOON after the reduction of Post Vincennes, the situation of Colonel Clark became perilous. Detached parties of hostile Indians began to appear in the neighborhood of his forces in the Illinois. He ordered Major Bowman to evacuate the fort at Cahokia, and join him at Kaskaskia. "I could see," says Clark, "but little probability of keeping possession of the country, as my number of men was too small to stand a siege, and my situation too remote to call for assistance. I made all the preparation I possibly could for the attack, and was necessitated to set fire to some of the houses in town to clear them out of the way. But, on the 29th of January, 1779, in the hight of the hurry, a Spanish merchant [Francis Vigo], who had been at Post Vincennes, arrived and gave the following intelligence: That Mr. Hamilton had weakened himself by sending his Indians against the frontiers, and to block up the Ohio; that he had not more than eighty men in garrison, three pieces of cannon, and some swivels mounted; that the hostile Indians were to meet at Post Vincennes in the spring, drive us out of the Illinois, and attack the Kentucky settlements, in a body, joined by their southern friends; that all the goods were taken from the merchants of Post Vincennes for the king's use; that the troops under Hamilton were repairing the fort, and expected a reinforcement from Detroit in the spring; that they appeared to have plenty of all kinds of stores; that they were strict in their discipline, but that he did not believe they were under much apprehension of a visit; and believed that, if we could get there undiscovered, we might take the place. In short, we got every information from this gentleman that

'Halt!' This stopped the movements of Hamilton, who, in reply, demanded a surrender of the garrison. Helm exclaimed, with an oath, 'No man shall enter until I know the terms.' Hamilton answered, 'You shall have the honors of war;' and then the fort was surrendered, with its garrison of one officer and one private."

we could wish for, as he had had good opportunities and had taken great pains to inform himself with a design to give intelligence.* We now viewed ourselves in a very critical situation—in a manner cut off from any intercourse between us and the United States. We knew that Governor Hamilton, in the spring, by a junction of his northern and southern Indians, (which he had prepared for,) would be at the head of such a force that nothing in this quarter could withstand his arms—that Kentucky must immediately fall; and well if the desolation would end there. If we could immediately make our way good to Kentucky, we were convinced that before we could raise a force even sufficient to save that country, it would be too late, as all the men in it, joined by the troops we had, would not be sufficient; and to get timely succor from the interior counties was out of the question. We saw but one alternative, which was to attack the enemy in their quarters. If we were fortunate, it would save the whole. If otherwise, it would be nothing more than what would certainly be the consequence if we should not make the attempt. * * * * These, and many other similar reasons, induced us to resolve to attempt the enterprise, which met with the approbation of every individual belonging to us.

“Orders were immediately issued for preparations. The whole country took fire at the alarm, and every order was executed with cheerfulness by every description of the inhabitants—preparing provisions, encouraging volunteers, etc., etc., and as we had plenty of stores, every man was completely rigged with what he could desire to withstand the coldest weather. * * To convey our artillery and stores, it was concluded to send a vessel round by water so strong that she might force her way. A large Mississippi boat was immediately purchased, and completely fitted out as a galley, mounting two four-pounders, and four large swivels.† She was manned by forty-six men under the command of Captain John Rogers. He set sail on the 4th of February, with orders to force his way up the Wabash as high as the mouth of White river, and to secrete himself until further orders; but if he found himself

* Jefferson's Correspondence, i, 451.—Clark's MS. Memoir.

† This vessel was called “The Willing.”

discovered, to do the enemy all the damage he could, without running too great a risk of losing his vessel, and not to leave the river until he was out of hope of our arrival by land; but, by all means, to conduct himself so as to give no suspicion of our approach by land. We had great dependence on this galley. She was far superior to any thing the enemy could fit out without building a vessel; and, at the worst, if we were discovered, we could build a number of large pirogues, such as they possessed, to attend her, and with such a little fleet, perhaps, pester the enemy very much; and if we saw it our interest, force a landing; at any rate, it would be some time before they could be a match for us on the water. * * * *

“Every thing being ready, on the 5th of February, after receiving a lecture and absolution from the priest, we crossed the Kaskaskia river with one hundred and seventy men—marched about three miles and encamped, where we lay until the [7th], and set out. The weather wet (but fortunately not cold for the season) and a great part of the plains under water several inches deep. It was difficult and very fatiguing marching. My object was now to keep the men in spirits. I suffered them to shoot game on all occasions, and feast on it like Indian war-dancers—each company by turns inviting the others to their feasts, which was the case every night, as the company that was to give the feast was always supplied with horses to lay up a sufficient store of wild meat in the course of the day—myself and principal officers putting on the woodsmen, shouting now and then, and running as much through the mud and water as any of them. Thus, insensibly, without a murmur, were those men led on to the banks of the Little Wabash, which we reached on the 13th, through incredible difficulties, far surpassing any thing that any of us had ever experienced. Frequently the diversions of the night wore off the thoughts of the preceding day. We formed a camp on a hight which we found on the bank of the river, and suffered our troops to amuse themselves. I viewed this sheet of water for some time with distrust; but, accusing myself of doubting, I immediately set to work, without holding any consultation about it, or suffering any body else to do so in my presence; ordered a pirogue to be built immediately, and acted as though crossing the water would be only a piece of diversion. As but

few could work at the pirogue, at a time, pains were taken to find diversion for the rest to keep them in high spirits. * * * In the evening of the 14th, our vessel was finished, manned, and sent to explore the drowned lands on the opposite side of the Little Wabash, with private instructions what report to make, and, if possible, to find some spot of dry land. They found about half an acre, and marked the trees from thence back to the camp, and made a very favorable report.

"Fortunately, the 15th happened to be a warm, moist day for the season. The channel of the river where we lay was about thirty yards wide. A scaffold was built on the opposite shore (which was about three feet under water), and our baggage ferried across, and put on it; our horses swam across, and received their loads at the scaffold; by which time the troops were also brought across, and we began our march through the water. * * *

"By evening we found ourselves encamped on a pretty high, in high spirits; each party laughing at the other, in consequence of some thing that had happened in the course of this ferrying business, as they called it. A little antic drummer afforded them great diversion by floating on his drum, etc. All this was greatly encouraged; and they really began to think themselves superior to other men, and that neither the rivers nor the seasons could stop their progress. Their whole conversation now was concerning what they would do when they got about the enemy. They now began to view the main Wabash as a creek, and made no doubt but such men as they were could find a way to cross it. They wound themselves up to such a pitch, that they soon took Post Vincennes, divided the spoil, and before bedtime were far advanced on their route to Detroit. All this was no doubt pleasing to those of us who had more serious thoughts. * * * We were now convinced that the whole of the low country on the Wabash was drowned, and that the enemy could easily get to us, if they discovered us, and wished to risk an action; if they did not, we made no doubt of crossing the river by some means or other. Even if Captain Rogers, with our galley, did not get to his station agreeable to his appointment, we flattered ourselves that all would be well, and marched on in high spirits."

Here follows an extract from the manuscript journal of Major Bowman:

"February 16th, 1779.—Marched all day through rain and water. Crossed the Fur river. Our provisions begin to be short.

"17th.—Marched early; crossed several runs very deep; sent Mr. Kernedy, our commissary, with three men, to cross the river Embarrass, if possible, and proceed to a plantation opposite Post Vincennes, in order to steal boats or canoes to ferry us across the Wabash. About an hour by sun we got near the river Embarrass—found the country all overflowed with water. We strove to find the Wabash. Traveled till eight o'clock in mud and water, but find no place to encamp on. Still keep marching on; but after some time, Mr. Kernedy and his party returned. Found it impossible to cross the Embarrass river. We found the water falling from a small spot of ground. Staid there the remainder of the night. Drizzly and dark weather.

"18th.—At daybreak heard Governor Hamilton's morning-gun. Set off, and marched down the river [Embarrass]—saw some fine land. About two o'clock, came to the bank of the Wabash; made rafts for four men to cross, and go up to town and steal boats; but they spent the day and night in the water to no purpose; for there was not one foot of dry land to be found.

"19th.—Captain McCarty's company set to making a canoe; and at three o'clock the four men returned, after spending the night on some logs in the water. The canoe finished; Captain McCarty, with three of his men, embarked in the canoe, and made the next attempt to steal boats; but he soon returned, having discovered four large fires about a league distant from our camp; they seemed to be fires of whites and Indians. Immediately Colonel Clark sent two men in the canoe down to meet the galley, with orders to come on day and night—that being our last hope, and [we] starving. Many of the men much cast down—particularly the volunteers. No provision of any sort, now two days. Hard fortune.

"20th.—Camp very quiet, but hungry. Some almost in despair. Many of the Creole volunteers talking of returning.*

* "Many of our volunteers began, for the first time, to despair. Some

Fell to making more canoes, when about twelve o'clock, our sentry on the river brought to a boat with five Frenchmen from the fort, who told us we were not as yet discovered—that the inhabitants were well disposed to us, etc. * * * They informed us of two canoes they had seen adrift some distance above us. Ordered that Captain Worthington, with a party, go in search of them. Returned late with one only. One of our men killed a deer, which was brought into camp very acceptably.

"21st.—At break of day, began to ferry our men over [the Wabash] in two canoes, to a small hill called the Mamelle. Captain Williams, with two men, went to look for a passage, and were discovered by two men in a canoe, but could not fetch them to. The whole army being over, we thought to get to town that night; so plunged into the water, some times to the neck, for more than one league, when we stopped on a hill of the same name—there being no dry land on any side for many leagues. Our pilots say we can not get along—that it is impossible. The whole army being over, we encamped. Rain all this day. No provisions."

The memoir of Clark proceeds:—"This last day's march* through the water was far superior to any thing the Frenchmen had an idea of. They were backward in speaking—said that the nearest land to us was a small league called the Sugar Camp, on the bank of the [river?] A canoe was sent off, and returned without finding that we could pass. I went in her myself, and sounded the water; found it deep as to my neck. I returned with a design to have the men transported on board the canoes to the Sugar Camp, which I knew would spend the

talked of returning; but my situation now was such that I was past all uneasiness. I laughed at them without persuading or ordering them to desist from any such attempt; but told them I should be glad if they would go out and kill some deer. They went, confused with such conduct. My own troops I knew had no idea of abandoning an enterprise for the want of provisions, while there were plenty of good horses in their possession; and I knew that, without any violence, the volunteers could be detained for a few days, in the course of which time our fate would be known. I conducted myself in a manner that caused the whole to believe that I had no doubt of success, which kept their spirits up."—CLARK'S MS. MEMOIR.

* February 21st.

whole day and ensuing night, as the vessels would pass slowly through the bushes. The loss of so much time, to men half starved, was a matter of consequence. I would have given now a great deal for a day's provision, or for one of our horses. I returned but slowly to the troops, giving myself time to think. On our arrival, all ran to hear what was the report. Every eye was fixed on me. I unfortunately spoke in a serious manner to one of the officers: the whole were alarmed without knowing what I said. I viewed their confusion for about one minute—whispered to those near me to do as I did; immediately put some water in my hand, poured on powder, blackened my face, gave the warwhoop, and marched into the water, without saying a word. The party gazed, and fell in, one after another, without saying a word, like a flock of sheep. I ordered those near me to begin a favorite song of theirs; it soon passed through the line, and the whole went on cheerfully. I now intended to have them transported across the deepest part of the water; but when about waist deep, one of the men informed me that he thought he felt a path. We examined, and found it so; and concluded that it kept on the highest ground, which it did; and by taking pains to follow it, we got to the Sugar Camp without the least difficulty, where there was about half an acre of dry ground, at least not under water, where we took up our lodging. The Frenchmen that we had taken on the river appeared to be uneasy at our situation. They begged that they might be permitted to go in the two canoes to town in the night. They said that they would bring from their own houses provisions, without a possibility of any persons knowing it; that some of our men should go with them, as a surety of their good conduct; that it was impossible we could march from that place till the water fell, for the plain was too deep to march. Some of the [officers?] believed that it might be done. I would not suffer it. I never could well account for this piece of obstinacy, and give satisfactory reasons to myself, or any body else, why I denied a proposition apparently so easy to execute, and of so much advantage; but some thing seemed to tell me that it should not be done, and it was not done.

“The most of the weather that we had on this march, was moist and warm, for the season. This was the coldest night

we had. The ice, in the morning, was from one-half to three-quarters of an inch thick, near the shores, and in still water. The morning was the finest we had on our march. A little after sunrise I lectured the whole. What I said to them I forget; but it may be easily imagined by a person that could possess my affections for them at that time:—I concluded by informing them that passing the plain that was then in full view, and reaching the opposite woods, would put an end to their fatigue—that in a few hours they would have a sight of their long-wished-for object—and immediately stepped into the water without waiting for any reply. A huzza took place. As we generally marched through the water in a line, before the third entered, I halted and called to Major Bowman, ordering him to fall in the rear with twenty-five men, and put to death any man who refused to march, as we wished to have no such person among us. The whole gave a cry of approbation, and on we went. This was the most trying of all the difficulties we had experienced. I generally kept fifteen or twenty of the strongest men next myself; and judged from my own feelings what must be that of others. Getting about the middle of the plain, the water about middeep, I found myself sensibly failing; and as there were no trees nor bushes for the men to support themselves by, I feared that many of the most weak would be drowned. I ordered the canoes to make the land, discharge their loading, and play backward and forward with all diligence, and pick up the men; and, to encourage the party, sent some of the strongest men forward, with orders, when they got to a certain distance, to pass the word back that the water was getting shallow: and when getting near the woods to cry out ‘Land!’ This stratagem had its desired effect. The men, encouraged by it, exerted themselves almost beyond their abilities—the weak holding by the stronger. * * * The water never got shallower, but continued deepening. Getting to the woods, where the men expected land, the water was up to my shoulders; but gaining the woods was of great consequence: all the low men, and the weakly, hung to the trees, and floated on the old logs, until they were taken off by the canoes. The strong and tall got ashore and built fires. Many would reach the shore, and fall with their bodies half in the water, not being able to support themselves without it.

"This was a delightful dry spot of ground, of about ten acres. We soon found that the fires answered no purpose; but that two strong men taking a weaker one by the arms was the only way to recover him—and, being a delightful day, it soon did. But fortunately, as if designed by Providence, a canoe of Indian squaws and children was coming up to town, and took through part of this plain as a nigh way. It was discovered by our canoes as they were out after the men. They gave chase and took the Indian canoe, on board of which was near half a quarter of a buffalo, some corn, tallow, kettles, etc. This was a grand prize, and was invaluable. Broth was immediately made and served out to the most weakly, with great care: most of the whole got a little; but a great many gave their part to the weakly, jocosely saying something cheering to their comrades. This little refreshment, and fine weather, by the afternoon, gave new life to the whole. Crossing a narrow, deep lake, in the canoes, and marching some distance, we came to a copse of timber called the Warrior's Island. We were now in full view of the fort and town, not a shrub between us, at about two miles' distance. Every man now feasted his eyes, and forgot that he had suffered any thing—saying that all that had passed was owing to good policy, and nothing but what a man could bear; and that a soldier had no right to think, etc.—passing from one extreme to another, which is common in such cases. It was now we had to display our abilities. The plain between us and the town was not a perfect level. The sunken grounds were covered with water full of ducks. We observed several men out on horseback, shooting them, within a half mile of us; and sent out as many of our active young Frenchmen to decoy and take one of these men prisoner, in such a manner as not to alarm the others: which they did. The information we got from this person was similar to that which we got from those we took on the river; except that of the British having that evening completed the wall of the fort, and that there was a good many Indians in town.

"Our situation was now truly critical—no possibility of retreating in case of defeat—and in full view of a town that had, at this time, upward of six hundred men in it, troops, inhabitants, and Indians. The crew of the galley, though not

fifty men, would have been now a reinforcement of immense magnitude to our little army, (if I may so call it,) but we would not think of them. We were now in the situation that I had labored to get ourselves in. The idea of being made prisoner was foreign to almost every man, as they expected nothing but torture from the savages, if they fell into their hands. Our fate was now to be determined, probably in a few hours. We knew that nothing but the most daring conduct would insure success. I knew that a number of the inhabitants wished us well—that many were lukewarm to the interest of either—and I also learned that the grand chief, the Tobacco's son, had, but a few days before, openly declared, in council with the British, that he was a brother and friend to the Big Knives. These were favorable circumstances; and as there was but little probability of our remaining until dark undiscovered, I determined to begin the career immediately, and wrote the following placard to the inhabitants:

“‘TO THE INHABITANTS OF POST VINCENNES—

Gentlemen: Being now within two miles of your village, with my army, determined to take your fort this night, and not being willing to surprise you, I take this method to request such of you as are true citizens, and willing to enjoy the liberty I bring you, to remain still in your houses:—And those, if any there be, that are friends to the king, will instantly repair to the fort, and join the hair-buyer general, and fight like men. And if any such as do not go to the fort shall be discovered afterward, they may depend on severe punishment. On the contrary, those who are true friends to liberty may depend on being well treated; and I once more request them to keep out of the streets. For every one I find in arms on my arrival, I shall treat him as an enemy.

[Signed,]

G. R. CLARK.’

“I had various ideas on the supposed results of this letter. I knew that it could do us no damage; but that it would cause the lukewarm to be decided, encourage our friends, and astonish our enemies. * * We anxiously viewed this messenger until he entered the town, and in a few minutes could discover by our glasses some stir in every street that we could penetrate into, and great numbers running or riding out into the com-

mons, we supposed to view us, which was the case. But what surprised us was, that nothing had yet happened that had the appearance of the garrison being alarmed—no drum, nor gun. We began to suppose that the information we got from our prisoners was false, and that the enemy already knew of us and were prepared. * * A little before sunset we moved and displayed ourselves in full view of the town—crowds gazing at us. We were plunging ourselves into certain destruction, or success. There was no midway thought of. We had but little to say to our men, except inculcating an idea of the necessity of obedience, etc. We knew they did not want encouraging, and that any thing might be attempted with them that was possible for such a number—perfectly cool, under proper subordination, pleased with the prospect before them, and much attached to their officers. They all declared that they were convinced that an implicit obedience to orders was the only thing that would insure success, and hoped that no mercy would be shown the person that should violate them. Such language as this from soldiers to persons in our station, must have been exceedingly agreeable. We moved on slowly in full view of the town; but, as it was a point of some consequence to us to make ourselves appear as formidable, we, in leaving the covert that we were in, marched and counter-marched in such a manner that we appeared numerous. In raising volunteers in the Illinois, every person that set about the business had a set of colors given him, which they brought with them to the amount of ten or twelve pairs. These were displayed to the best advantage; and as the low plain we marched through was not a perfect level, but had frequent raisings in it seven or eight feet higher than the common level, (which was covered with water,) and as these raisings generally run in an oblique direction to the town, we took the advantage of one of them, marching through the water under it, which completely prevented our being numbered. But our colors showed considerably above the heights, as they were fixed on long poles procured for the purpose, and at a distance made no despicable appearance; and as our young Frenchmen had, while we lay on the Warrior's Island, decoyed and taken several fowlers, with their horses, officers were mounted on these horses, and rode about more completely to deceive the

enemy. In this manner we moved, and directed our march in such a way as to suffer it to be dark before we had advanced more than halfway to the town. We then suddenly altered our direction, and crossed ponds where they could not have suspected us, and about eight o'clock gained the hights back of the town. As there was yet no hostile appearance, we were impatient to have the cause unriddled. Lieutenant Bayley was ordered, with fourteen men, to march and fire on the fort. The main body moved in a different direction, and took possession of the strongest part of the town.

"The firing now commenced on the fort, but they did not believe it was an enemy, until one of their men was shot down through a port, as drunken Indians frequently saluted the fort after night. The drums now sounded, and the business fairly commenced on both sides. Reinforcements were sent to the attack of the garrison, while other arrangements were making in town. * * We now found that the garrison had known nothing of us; that, having finished the fort that evening, they had amused themselves at different games, and had just retired before my letter arrived, as it was near rolleall. The placard being made public, many of the inhabitants were afraid to show themselves out of the houses for fear of giving offense, and not one dare give information.* Our friends flew to the commons and other convenient places to view the pleasing sight. This was observed from the garrison, and the reason asked, but a satisfactory excuse was given; and as a part of the town lay between our line of march and the garrison, we could not be seen by the sentinels on the walls. Captain W. Shannon and another being some time before taken prisoners by one of their [scouting parties], and that evening brought in, the party had discovered at the sugar-camp some signs of us. They supposed it to be a party of observation that intended to land on the hight some distance below the town. Captain Lamotte was sent to intercept them. It was at him the people said they were looking, when they were asked the reason of their unusual stir. Several suspected persons had been taken

* "The town immediately surrendered with joy, and assisted at the siege."—
LETTER, DATED KASKASKIA, ILL., APRIL 29, 1779, FROM COLONEL CLARK TO THE
GOVERNOR OF VIRGINIA.

to the garrison; among them was Mr. Moses Henry. Mrs. Henry went, under the pretense of carrying him provisions, and whispered him the news and what she had seen. Mr. Henry conveyed it to the rest of his fellow-prisoners, which gave them much pleasure, particularly Captain Helm, who amused himself very much during the siege, and I believe did much damage.

"Ammunition was scarce with us, as the most of our stores had been put on board of the galley. Though her crew was but few, such a reinforcement to us, at this time, would have been invaluable in many instances. But, fortunately, at the time of its being reported that the whole of the goods in the town were to be taken for the king's use, (for which the owners were to receive bills,) Colonel Legras, Major Bosseron, and others, had buried the greatest part of their powder and ball. This was immediately produced, and we found ourselves well supplied by those gentlemen.

"The Tobacco's son being in town with a number of warriors, immediately mustered them, and let us know that he wished to join us, saying that by the morning he would have a hundred men. He received for answer that we thanked him for his friendly disposition; and as we were sufficiently strong ourselves, we wished him to desist, and that we would counsel on the subject in the morning; and as we knew that there were a number of Indians in and near the town that were our enemies, some confusion might happen if our men should mix in the dark; but hoped that we might be favored with his counsel and company during the night—which was agreeable to him.

"The garrison was soon completely surrounded, and the firing continued without intermission, (except about fifteen minutes a little before day,) until about nine o'clock the following morning. It was kept up by the whole of the troops—joined by a few of the young men of the town, who got permission—except fifty men kept as a reserve. * * * I had made myself fully acquainted with the situation of the fort and town, and the parts relative to each. The cannon of the garrison was on the upper floors of strong blockhouses, at each angle of the fort, eleven feet above the surface; and the ports so badly cut that many of our troops lay under the fire of

them within twenty or thirty yards of the walls. They did no damage, except to the buildings of the town, some of which they much shattered; and their musketry, in the dark, employed against woodsmen covered by houses, palings, ditches, the banks of the river, etc., was but of little avail, and did no injury to us except wounding a man or two. As we could not afford to lose men, great care was taken to preserve them sufficiently covered, and to keep up a hot fire in order to intimidate the enemy as well as to destroy them. The embrasures of their cannon were frequently shut, for our riflemen, finding the true direction of them, would pour in such volleys when they were opened that the men could not stand to the guns—seven or eight of them in a short time got cut down. Our troops would frequently abuse the enemy, in order to aggravate them to open their ports and fire their cannon, that they might have the pleasure of cutting them down with their rifles—fifty of which, perhaps, would be leveled the moment the port flew open; and I believe that if they had stood at their artillery, the greater part of them would have been destroyed in the course of the night, as the greater part of our men lay within thirty yards of the walls; and in a few hours were covered equally to those within the walls, and much more experienced in that mode of fighting. * * * Sometimes an irregular fire, as hot as possible, was kept up from different directions for a few minutes, and then only a continual scattering fire at the ports as usual; and a great noise and laughter immediately commenced in different parts of the town, by the reserved parties, as if they had only fired on the fort a few minutes for amusement, and as if those continually firing at the fort were only regularly relieved. Conduct similar to this kept the garrison constantly alarmed. They did not know what moment they might be stormed or [blown up?] as they could plainly discover that we had flung up some entrenchments across the streets, and appeared to be frequently very busy under the bank of the river, which was within thirty feet of the walls. The situation of the magazine we knew well. Captain Bowman began some works in order to blow it up, in case our artillery should arrive; but as we knew that we were daily liable to be overpowered by the numerous bands of Indians on the river, in case they had again joined the enemy, (the

certainty of which we were unacquainted with,) we resolved to lose no time, but to get the fort in our possession as soon as possible. If the vessel did not arrive before the ensuing night, we resolved to undermine the fort, and fixed on the spot and plan of executing this work, which we intended to commence the next day.

“The Indians of different tribes that were inimical, had left the town and neighborhood. Captain Lamotte continued to hover about it, in order, if possible, to make his way good into the fort. Parties attempted in vain to surprise him. A few of his party were taken, one of which was Maisonville, a famous Indian partisan. Two lads that captured him, tied him to a post in the street, and fought from behind him as a breastwork—supposing that the enemy would not fire at them for fear of killing him, as he would alarm them by his voice. The lads were ordered, by an officer who discovered them at their amusement, to untie their prisoner, and take him off to the guard, which they did; but were so inhuman as to take part of his scalp on the way. There happened to him no other damage. As almost the whole of the persons who were most active in the department of Detroit, were either in the fort or with Captain Lamotte, I got extremely uneasy for fear that he would not fall into our power—knowing that he would go off, if he could not get into the fort in the course of the night. Finding that, without some unforeseen accident, the fort must inevitably be ours, and that a reinforcement of twenty men, although considerable to them, would not be of great moment to us in the present situation of affairs, and knowing that we had weakened them by killing or wounding many of their gunners, after some deliberation, we concluded to risk the reinforcement in preference of his going again among the Indians; the garrison had at least a month's provisions, and if they could hold out, in the course of that time he might do us much damage. A little before day the troops were withdrawn from their positions about the fort, except a few parties of observation, and the firing totally ceased. Orders were given, in case of Lamotte's approach, not to alarm or fire on him, without a certainty of killing or taking the whole. In less than a quarter of an hour he passed within ten feet of an officer and a party that lay concealed. Ladders were flung

over to them, and as they mounted them our party shouted. Many of them fell from the top of the walls—some within, and others back; but as they were not fired on, they all got over, much to the joy of their friends. But, on considering the matter, they must have been convinced that it was a scheme of ours to let them in; and that we were so strong as to care but little about them or the manner of their getting into the garrison. * * The firing immediately commenced on both sides with double vigor; and I believe that more noise could not have been made by the same number of men—their shouts could not be heard for the firearms; but a continual blaze was kept around the garrison, without much being done, until about daybreak, when our troops were drawn off to posts prepared for them, about sixty or seventy yards from the fort. A loophole then could scarcely be darkened but a rifle-ball would pass through it. To have stood to their cannon would have destroyed their men, without a probability of doing much service. Our situation was nearly similar. It would have been imprudent in either party to have wasted their men, without some decisive stroke required it.

“Thus the attack continued until about nine o’clock on the morning of the 24th. Learning that the two prisoners they had brought in the day before had a considerable number of letters with them, I supposed it an express that we expected about this time, which I knew to be of the greatest moment to us, as we had not received one since our arrival in the country; and not being fully acquainted with the character of our enemy, we were doubtful that those papers might be destroyed—to prevent which, I sent a flag [with a letter] demanding the garrison.”

The following is a copy of the letter* which was addressed by Colonel Clark to Lieutenant-governor Hamilton on this occasion:

“SIR: In order to save yourself from the impending storm that now threatens you, I order you immediately to surrender yourself, with all your garrison, stores, etc., etc. For if I am obliged to storm, you may depend on such treatment as is

* Extracted from Major Bowman's MS. Journal.

justly due to a murderer. Beware of destroying stores of any kind, or any papers or letters that are in your possession, or hurting one house in town—for, by heavens! if you do, there shall be no mercy shown you.

[Signed,]

G. R. CLARK."

The British commandant immediately returned the following answer:

"Lieutenant-governor Hamilton begs leave to acquaint Colonel Clark, that he and his garrison are not disposed to be awed into any action unworthy British subjects."

"The firing then," says Clark, "commenced warmly for a considerable time; and we were obliged to be careful in preventing our men from exposing themselves too much, as they were now much animated—having been refreshed during the flag. They frequently mentioned their wishes to storm the place, and put an end to the business at once. * * * * * The firing was heavy through every crack that could be discovered in any part of the fort. Several of the garrison got wounded; and no possibility of standing near the embrasures. Toward the evening a flag appeared with the following proposals:

"Lieutenant-governor Hamilton proposes to Colonel Clark a truce for three days; during which time he promises there shall be no defensive works carried on in the garrison, on condition that Colonel Clark shall observe, on his part, a like cessation of any defensive work: that is, he wishes to confer with Colonel Clark as soon as can be; and promises that whatever may pass between them two, and another person mutually agreed upon to be present, shall remain secret till matters be finished, as he wishes that whatever the result of the conference may be, it may tend to the honor and credit of each party. If Colonel Clark makes a difficulty of coming into the fort, Lieutenant-governor Hamilton will speak to him by the gate.

[Signed,]

HENRY HAMILTON.

24TH FEBRUARY, 1779.'

"I was at a great loss to conceive what reason Lieutenant-governor Hamilton could have for wishing a truce of three days, on such terms as he proposed. Numbers said it was a

scheme to get me into their possession. I had a different opinion, and no idea of his possessing such sentiments; as an act of that kind would infallibly ruin him. Although we had the greatest reason to expect a reinforcement in less than three days, that would at once put an end to the siege, I yet did not think it prudent to agree to the proposals, and sent the following answer:

“Colonel Clark’s compliments to Lieutenant-governor Hamilton, and begs leave to inform him that he will not agree to any terms other than Mr. Hamilton’s surrendering himself and garrison prisoners at discretion. If Mr. Hamilton is desirous of a conference with Colonel Clark, he will meet him at the church, with Captain Helm.

[Signed,]

G. R. C.

FEBRUARY 24TH, 1779.’

“We met at the church,* about eighty yards from the fort,—Lieutenant-governor Hamilton, Major Hay, Superintendent of Indian affairs, Captain Helm, their prisoner, Major Bowman and myself. The conference began. Hamilton produced terms of capitulation, signed, that contained various articles, one of which was that the garrison should be surrendered, on their being permitted to go to Pensacola on parole. After deliberating on every article, I rejected the whole. He then wished that I would make some proposition. I told him that I had no other to make than what I had already made—that of his surrendering as prisoners at discretion. I said that his troops had behaved with spirit—that they could not suppose that they would be worse treated in consequence of it—that if he chose to comply with the demand, though hard, perhaps the sooner

* During the conference at the church, some Indian warriors who had been sent to the falls of the Ohio, for scalps and prisoners, were discovered on their return, as they entered the plains near post Vincennes. A party of the American troops, commanded by Captain Williams, went out to meet them. The Indians, who mistook this detachment for a party of their friends, continued to advance “with all the parade of successful warriors.” “Our men,” says Major Bowman, “killed two on the spot; wounded three; took six prisoners, and brought them into town. Two of them proving to be whites, we released them, and brought the Indians to the main street, before the fort gate—there tomahawked them, and threw them into the river.”—MAJOR BOWMAN’S MS. JOURNAL.

the better—that it was in vain to make any proposition to me—that he, by this time, must be sensible that the garrison would fall—that both of us must [view?] all blood spilt for the future, by the garrison, as murder—that my troops were already impatient, and called aloud for permission to tear down and storm the fort: if such a step was taken, many, of course, would be cut down; and the result of an enraged body of woodsmen breaking in, must be obvious to him: it would be out of the power of an American officer to save a single man. Various altercation took place for a considerable time. Captain Helm attempted to moderate our fixed determination. I told him he was a British prisoner, and it was doubtful whether or not he could, with propriety, speak on the subject. Hamilton then said that Captain Helm was from that moment liberated, and might use his pleasure. I informed the Captain that I would not receive him on such terms—that he must return to the garrison, and await his fate. I then told Lieutenant-governor Hamilton that hostilities should not commence until five minutes after the drums gave the alarm. We took our leave, and parted but a few steps, when Hamilton stopped, and politely asked me if I would be so kind as to give him my reasons for refusing the garrison on any other terms than those I had offered. I told him I had no objections in giving him my real reasons, which were simply these: that I knew the greater part of the principal Indian partizans of Detroit were with him—that I wanted an excuse to put them to death, or otherwise treat them, as I thought proper—that the cries of the widows and the fatherless, on the frontiers, which they had occasioned, now required their blood, from my hands, and that I did not choose to be so timorous as to disobey the absolute commands of their authority, which I looked upon to be next to divine: that I would rather lose fifty men, than not to empower myself to execute this piece of business with propriety: that if he chose to risk the massacre of his garrison for their sakes, it was his own pleasure; and that I might, perhaps, take it into my head to send for some of those widows to see it executed. Major Hay, paying great attention, I had observed a kind of distrust in his countenance, which in a great measure influenced my conversation during this time. On my concluding, “Pray, sir,” said he, “who is it that you call Indian parti-

zans?" "Sir," I replied, "I take Major Hay to be one of the principal." I never saw a man in the moment of execution so struck as he appeared to be—pale and trembling, scarcely able to stand. Hamilton blushed—and, I observed, was much affected at his behavior. Major Bowman's countenance sufficiently explained his disdain for the one and his sorrow for the other. * * * Some moments elapsed without a word passing on either side. From that moment my resolutions changed respecting Hamilton's situation. I told him that we would return to our respective posts; that I would reconsider the matter, and let him know the result: no offensive measures should be taken in the meantime. Agreed to; and we parted. What had passed being made known to our officers, it was agreed that we should moderate our resolutions."

In the course of the afternoon of the 24th, the following articles* were signed, and the garrison capitulated:

"I.—Lieutenant-governor Hamilton engages to deliver up to Colonel Clark, Fort Sackville, as it is at present, with all the stores, etc.

"II.—The garrison are to deliver themselves as prisoners of war; and march out with their arms and accouterments, etc.

"III.—The garrison to be delivered up at ten o'clock to-morrow.

"IV.—Three days time to be allowed the garrison to settle their accounts with the inhabitants and traders of this place.

"V.—The officers of the garrison to be allowed their necessary baggage, etc.

"Signed at Post St. Vincent, [Vincennes,] 24th Feb'y, 1779.

"Agreed for the following reasons: the remoteness from succor; the state and quantity of provisions, etc.; unanimity of officers and men in its expediency; the honorable terms allowed; and lastly, the confidence in a generous enemy.

[Signed,]

HENRY HAMILTON,

Lieut.-gov. and Superintendent."

"The business being now nearly at an end, troops were posted in several strong houses around the garrison, and patrolled during the night to prevent any deception that might

*Major Bowman's MS. Journal.

be attempted. The remainder on duty lay on their arms; and, for the first time for many days past, got some rest. * * * During the siege I got only one man wounded: not being able to lose many, I made them secure themselves well. Seven were badly wounded in the fort, through ports. * * * Almost every man had conceived a favorable opinion of Lieutenant-governor Hamilton—I believe what affected myself made some impression on the whole—and I was happy to find that he never deviated, while he stayed with us, from that dignity of conduct that became an officer in his situation. The morning of the 25th approaching, arrangements were made for receiving the garrison, [which consisted of seventy-nine men,] and about ten o'clock it was delivered in form; and every thing was immediately arranged to the best advantage. * * On the 27th our galley arrived, all safe—the crew much mortified, although they deserved great credit for their diligence. They had, on their passage, taken up William Myres, express from government: The dispatches gave much encouragement: our own battalion was to be completed, and an additional one to be expected in the course of the spring.”

CHAPTER XV.

CAPTURE OF BRITISH GOODS ON THE WABASH.

ON the day after the surrender of the British garrison at Post Vincennes, Colonel Clark sent a detachment of sixty men up the river Wabash to intercept some boats which were laden with provisions and goods from Detroit. The detachment, under the command of Captain Helm, Major Bosseron, and Major Legras, proceeded up the river, in three armed boats, about one hundred and twenty miles, when the British boats, seven in number, were surprised and captured without firing a gun. These boats, which had on board about ten thousand pounds worth of goods and provisions, were manned by about

forty men, among whom was Philip Dejean, a magistrate of Detroit.

“The provisions,” says Clark, “were taken for the public, and the goods divided among the whole, except about £800 worth to clothe the troops we expected to receive in a short time. This was very agreeable to the soldiers, as I told them that the State should pay them in money their proportions, and that they had great plenty of goods. * * * We yet found ourselves uneasy. The number of prisoners we had taken, added to those of the garrison, was so considerable when compared to our own numbers, that we were at a loss how to dispose of them, so as not to interfere with our future operations. Detroit opened full in our view. In the fort at that place there were not more than eighty men—a great part of them invalids—and we were informed that many of the principal inhabitants were disaffected to the British cause. The Indians on our route we knew would now more than ever be cool toward the English. * * * We could now augment our forces in this quarter to about four hundred men, as near half the inhabitants of Post Vincennes would join us. Kentucky, we supposed, could immediately furnish two hundred men, as there was a certainty of receiving a great addition of settlers in the spring. With our own stores, which we had learned were safe on their passage, added to those of the British, there would not be a single article wanting for an expedition against Detroit. We privately resolved to embrace the object that seemed to court our acceptance, without delay—giving the enemy no time to recover from the blows they had received: but we wished it to become the object of the soldiery and the inhabitants before we should say any thing about it. It immediately became the common topic among them; and in a few days they had arranged things, so that they were, in their imaginations, almost ready to march. They were discountenanced in such conversation, and such measures were taken as tended to show that our ideas were foreign from such an attempt; but at the same time we were taking every step to pave our way.

“The quantity of public goods brought from Detroit added to the whole of those belonging to the traders of Post Vincennes, that had been taken, was very considerable. The

whole was divided among the soldiery, except some Indian medals that were kept, in order to be altered for public use. The officers received nothing, except a few articles of clothing that they stood in need of. The soldiers got almost rich. Others envied their good fortune, and wished that some enterprise might be undertaken, to enable them to perform some exploit. Detroit was their object. The clamor had now got to a great height; to silence it, and to answer other purposes, they were told that an army was to march the ensuing summer from Pittsburg to take possession of Detroit. * * *

"On the 7th of March, Captains Williams and Rogers set out by water with a party of twenty-five men, to conduct the British officers to Kentucky; and, farther to weaken the prisoners, eighteen privates were also sent. After their arrival at the Falls of the Ohio, Captain Rogers had instructions to superintend their route to Williamsburg, to furnish them with all necessary supplies on their way, and to await the orders of the governor.*

"Poor Myres, the express, who set out on the 15th, got killed on his passage, and his packet fell into the hands of the enemy; but I had been so much on my guard, that there was not a sentence in it that could be of any disadvantage to us for the enemy to know; and there were private letters from soldiers to their friends, designedly wrote to deceive in case of such accidents. This was customary with us, as our expresses were frequently surprised. I sent a second dispatch to the governor, giving him a short but full account of what had passed, and our views. I sent letters to the commandant of Kentucky, directing him to give me a certain but private account of the number of men he could furnish in June."

Early in the month of March, "I laid before the officers my plans for the reduction of Detroit, and explained the almost

* On the advice of his council, the governor of Virginia, on the 18th of June, 1779, ordered Hamilton, Lamotte, and Dejean, to be "put into irons, confined in the dungeon of the public jail, debarred the use of pen, ink and paper, and excluded all converse except with their keeper." On the 29th of September, 1779, an order was issued by the governor to send the said prisoners to Hanover courthouse, there to remain, on their parole, within certain reasonable limits. Orders were also issued to send Major John Hay, under parole, to the same place.—JEFFERSON'S CORRESPONDENCE, i, 455.

certainty of success, and the probability of keeping possession of it until we could receive succor from the States. If we awaited the arrival of the troops mentioned in the dispatches from the governor of Virginia, the enemy, in the mean time, might get strengthened; and probably we might not be so capable of carrying the [post] with the expected reinforcement, as we should be with our present force, in case we were to make the attempt at this time; and in case we should be disappointed in the promised reinforcement, we might not be able to affect it at all. There were various arguments made use of on this delicate point. Every person seemed anxious to improve the present opportunity; but prudence appeared to forbid the execution, and induced us to wait for the reinforcement. The arguments that appeared to have the greatest weight were, that with such a force we might march boldly through the Indian nations; that it would make a great [impression] on them, as well as the inhabitants of Detroit, and have a better effect than if we were now to slip off, and take the place with so small a force; that the British would not wish to weaken Niagara by sending any considerable reinforcements to Detroit; that it was more difficult for that post to get succor from Canada than it was for us to receive it from the States; that the garrison at Detroit would not be able to get a reinforcement in time to prevent our executing our designs, as we might with propriety expect ours in a few weeks. In short, the enterprise was deferred until the — of June, when our troops were to rendezvous at Post Vincennes. In the mean time, every preparation was to be made, procuring provisions, etc.; and, to blind our designs, the whole, except a small garrison, should march immediately to the Illinois; and orders were sent to Kentucky to prepare themselves to meet at the appointed time. This was now our proposed plan, and directed our operations during the spring.

“A company of volunteers from Detroit, mostly composed of young men, was drawn up; and when expecting to be sent off into a strange country, they were told that we were happy to learn that many of them were torn from their fathers and mothers, and forced on this expedition; others, ignorant of the true cause in contest, had engaged from a principle that actuates a great number of men—that of being fond of enterprise;

but that they now had a good opportunity to make themselves fully acquainted with the nature of the war, which they might explain to their friends; and that as we knew that sending them to the States, where they would be confined in a jail probably for the course of the war, would make a great number of our friends at Detroit unhappy, we had thought proper, for their sakes, to suffer them to return home, etc. A great deal more was said to them on this subject. On the whole, they were discharged on taking an oath not to bear arms against America until exchanged. They received an order for their arms, boats, and provisions, to return with; the boats were to be sold and divided among them when they got home. In a few days they set out; and as we had spies who went among them as traders; we learned that they made great havoc to the British interest on their return to Detroit—publicly saying that they had taken an oath not to fight against Americans, but they had not sworn not to fight for them, etc.; and matters were carried to such a height, that the commanding officer thought it prudent not to take notice of any thing that was said or done. Mrs. McComb, who kept a noted boarding-house, I understand, had the assurance to show him the stores she had provided for the Americans. This was the completion of our design in suffering the company to return. Many others that we could trust, we suffered to enlist in the cause; so that our charge of prisoners was much reduced.

“I had yet sent no message to the Indian tribes, wishing to wait to see what effect all this would have on them. The Piankeshaws, being of the tribe of the Tobacco’s son, were always familiar with us. Part of the behavior of this grandee, as he viewed himself, was diverting enough. He had conceived such an inviolable attachment for Captain Helm, that on finding that the captain was a prisoner, and not being as yet able to release him, he declared himself a prisoner also. He joined his brother, as he called Captain Helm, and continually kept with him, condoling their condition as prisoners in great distress—at the same time wanting nothing that was in the power of the garrison to furnish. Lieutenant-governor Hamilton, knowing the influence of Tobacco’s son, was extremely jealous of his behavior, and took every pains to gain him by presents, etc. When any thing was presented to him,

his reply would be, that it would serve him and his brother to live on. He would not enter into council, saying that he was a prisoner, and had nothing to say; but was in hopes that when the grass grew, his brother, the Big Knife, would release him; and when he was free, he could talk, etc. In short, they could do nothing with him; and the moment he heard of our arrival, he paraded all the warriors he had in his village (joining Post Vincennes), and was ready to fall in and attack the fort; but for reasons formerly mentioned, he was desired to desist.

“On the 15th of March, 1779, a party of upper Piankeshaws, and some Pottawattamie and Miami chiefs, made their appearance, making great protestations of their attachment to the Americans—begged that they might be taken under the cover of our wings, and that the roads through the lands might be made straight, and all the stumblingblocks removed—and that our friends, the neighboring nations, might also be considered in the same point of view. I well knew from what principle all this sprung; and, as I had Detroit now in my eye, it was my business to make a straight and clear road for myself to walk, without thinking much of their interest, or any thing else but that of opening the road in earnest, by flattery, deception, or any other means that occurred. I told them that I was glad to see them, and was happy to learn that most of the nations on the Wabash and Omi [Maumee] rivers had proved themselves to be men, by adhering to the treaties they had made with the Big Knife last fall, except a few weak minds that had been deluded by the English to come to war—that I did not know exactly who they were, nor much cared; but understood they were a band chiefly composed of almost all the tribes, (such people were to be found among all nations,) but as these kind of people, who had the meanness to sell their country for a shirt, were not worthy of the attention of warriors, we would say no more about them, and think on subjects more becoming us. I told them that I should let the great council of Americans know of their good behavior, and knew that they would be counted as friends of the Big Knife, and would be always under their protection, and their country secured to them, as the Big Knife had land enough, and did not want any more; but, if ever they broke their faith, the

Big Knife would never again trust them, as they never hold friendship with a people that they find with two hearts; that they were witnesses of the calamities the British had brought on their countries by their false assertions, and their presents, which was a proof of their weakness; that they saw that all their boasted valor was like to fall to the ground, and they would not come out of the fort, the other day, to try to save the Indians that they flattered to war, and suffered to be killed in their sight; and, as the nature of the war had been fully explained to them last fall, they might clearly see that the Great Spirit would not suffer it to be otherwise—that it was not only the case on the Wabash, but everywhere else—that they might be assured that the nations that would continue obstinately to believe the English, would be driven out of the land, and their countries given to those who were more steady friends to the Americans. I told them that I expected, for the future, that if any of my people should be going to war through their country, that they would be protected, which should be always the case with their people when among us; and that mutual confidence should continue to exist, etc., etc. They replied, that from what they had seen and heard, they were convinced that the Master of life had a hand in all things—that their people would rejoice on their return—that they would take pains to diffuse what they had heard, through all the nations, and made no doubt of the good effect of it, etc.; and, after a long speech in the Indian style, calling all the Spirits to be witnesses, they concluded by renewing the chain of friendship, smoking the sacred pipe, exchanging belts, etc., and, I believe, went off really well pleased, (but not able to fathom the bottom of all they had heard, the greatest part of which was mere political lies,) for, the ensuing summer, Captain Shelby, with his own company only, lay for a considerable time in the Wea town, in the heart of their country, and was treated in the most friendly manner by all the natives that he saw; and was frequently invited by them to join and plunder what was called ‘the King’s Pasture at Detroit.’ What they meant was to go and steal horses from that settlement.

“Things being now pretty well arranged, Lieutenant Richard Brashear was appointed to the command of the garrison,

which consisted of Lieutenants Bayley and Chapline, with forty picked men—Captain Leonard Helm, commandant of the town, superintendent of Indian affairs, etc.,—Moses Henry, Indian agent, and Patrick Kennedy, quartermaster. Giving necessary instruction to all persons that I left in office, on the 20th of March I set sail on board of our galley, which was now made perfectly complete, attended by five armed boats and seventy men. The waters being very high, we soon reached the Mississippi; and, the winds favoring us, in a few days we arrived safely at Kaskaskia, to the great joy of our new friends, Captain George and company waiting to receive us.

“On our passage up the Mississippi, we had observed several Indian camps, which appeared to us fresh, but had been left in great confusion. This we could not account for, but were now informed that a few days past a party of Delaware warriors came to town, and appeared to be very impudent—that in the evening, having been drinking, they said they had come there for scalps and would have them, and flashed a gun at the breast of an American woman present. A sergeant and party that moment passing by the house, saw the confusion and rushed in. The Indians immediately fled. The sergeant pursued and killed [] of them. A party was instantly sent to rout their camps on the river. This was executed the day before we came up, which was the sign we had seen.

“Part of the Delaware nation had settled a town at the forks of the White river, and hunted in the countries on the Ohio and Mississippi. They had, on our first arrival, hatched up a kind of peace with us; but I always knew they were for open war, but never before could get a proper excuse for exterminating them from the country, which I knew they would be loth to leave, and that the other Indians wished them away, as they were great hunters and killed up their game. A few days after this, Captain Helm informed me, by express, that a party of traders who were going by land to the falls, were killed and plundered by the Delawares of White river—and that it appeared that their designs were altogether hostile, as they had received a belt from the great council of their nation. I was sorry for the loss of our men; otherwise pleased at what had happened; as it would give me an opportunity of showing the other Indians the horrid fate of those who would dare to

make war on the Big Knife—and to excel them in barbarity I knew was, and is, the only way to make war and gain a name among the Indians. I immediately sent orders to Post Vincennes to make war on the Delawares—to use every means in their power to destroy them—to show no kind of mercy to the men; but to spare the women and children. This order was executed without delay—their camps were attacked in every quarter where they could be found; many fell, and others were brought to Post Vincennes and put to death; the women and children secured, etc. They immediately applied for reconciliation, but were informed that I had ordered the war * * * and that they dare not lay down the tomahawk without permission from me; but that if the Indians were agreed, no more blood should be spilt, until an express should go to Kaskaskia, which was immediately sent. I refused to make peace with the Delawares, and let them know that we never trusted those who had once violated their faith, but if they had a mind to be quiet, they might; and if they could get any of the neighboring Indians to be security for their good behavior, I would let them alone; but that I cared very little about it, etc.,—privately directing Captain Helm how to manage.

“A council was called of all the Indians in the neighborhood; my answer was made public; the Piankeshaws took on themselves to answer for the future good conduct of the Delawares; and the Tobacco’s son, in a long speech, informed them of the baseness of their conduct, and how richly they had deserved the severe blow they had met with—that he had given them permission to settle that country, but not kill his friends—that they now saw the Big Knife had refused to make peace with them, but that he had become surety for their good conduct, and that they might go and mind their hunting, and that if they ever did any more mischief—pointing to the sacred bow that he held in his hand—which was as much as to say that he himself would for the future chastise them. Thus ended the war between us and the Delawares in this quarter, much to our advantage; as the nations about said that we were as brave as the Indians, and not afraid to put an enemy to death.

“June being the time for the rendezvous at Post Vincennes, every exertion was made in procuring provisions of every

species, and making other preparations. I received an express from Kentucky, wherein Colonel [John] Bowman informed me that he could furnish three hundred good men. We were now going on in high spirits, and daily expecting troops down the Tennessee, when, on the —, we were surprised at the arrival of Colonel Montgomery with one hundred and fifty men only, —which was all we had a right to expect from that quarter in a short time, as the recruiting business went on but slowly; and, for the first time, we learned the fall of our paper money. Things immediately put on a different appearance. We now lamented that we did not march from Post Vincennes to Detroit; but as we had a prospect of a considerable reinforcement from Kentucky, we yet flattered ourselves that something might be done: at least we might manœuvre in such a manner as to keep the enemy in hot water, and in suspense, and prevent their doing our frontiers much damage. We went on with procuring supplies,* and did not yet lose sight of our object; and, in order to feel the pulse of the enemy, I detached Major —, who had lately joined us, and a company of volunteers, up the Illinois river—under the pretense of visiting our friends; he was instructed to cross the country, and call at the Wea towns, and then proceed to Post Vincennes, making his observations on the route. This, we expected, would perfectly cover our designs; and, if we saw it prudent, we might, on his return, proceed. Early in June Colonel Montgomery was dispatched, by water, with the whole of our stores: Major [Joseph] Bowman marched the remainder of our troops by land. Myself,

*"There is one circumstance very distressing, that of our money's being discredited, to all intents and purposes, by the great number of traders who come here in my absence, each outbidding the other, giving prices unknown in this country by five hundred per cent., by which the people conceived it to be of no value, and both French and Spaniards refused to take a farthing of it. Provision is three times the price it was two months past, and to be got by no other means than my own bonds, goods, or force. Several merchants are now advancing considerable sums of their own property, rather than the service should suffer, by which I am sensible they must lose greatly, unless some method is taken to raise the credit of our coin, or a fund to be sent to Orleans, for the payment of the expenses of this place."—LETTER, DATED KASKASKIA, APRIL 29, 1779, FROM COL. G. R. CLARK TO THE GOVERNOR OF VIRGINIA,—JEFFERSON'S CORRESPONDENCE, I, 454.

with a party of horse, reached Post Vincennes in four days, where the whole safely arrived in a short time after.

"Instead of three hundred men from Kentucky, there appeared about thirty volunteers, commanded by Capt. McGary. The loss of the expedition was too obvious to hesitate about it. Colonel [John] Bowman had turned his attention against the Shawanee towns, and got repulsed, and his men discouraged.

"The business, from the first, had been so conducted as to make no disadvantageous impression on the enemy in case of a disappointment—as they could never know whether we really had a design on Detroit, or only a finesse to amuse them, which latter would appear probable. Arranging things to the best advantage was now my principal study. The troops were divided between Post Vincennes, Kaskaskia, Cahokia, and the Falls of Ohio. Colonel Montgomery was appointed to the command of the Illinois; Major Bowman to superintend the recruiting business; a number of officers were appointed to that service; and myself to take up my quarters at the falls, as the most convenient spot to have an eye over the whole."

Thus closes the detail of Colonel Clark's memorable expedition against the towns of Kaskaskia and Vincennes.

During the course of the years 1779 and 1780, a considerable number of emigrants from the interior of Virginia, and from other States, were added to the white population on the borders of the river Ohio.* Among the circumstances which combined to swell this tide of emigration, the most important were, the achievements of Colonel Clark in the west—the temporary triumph of the British arms in some of the southern States—and the munificent spirit in which the government of Virginia invited families to take possession of the rich unoccupied lands claimed by that State, in the regions west of the Allegheny mountains.

The great dangers to which the first English settlers in those regions were exposed, seemed to be rapidly passing away. Many of the French inhabitants of Vincennes, Kaskaskia, and Cahokia, had taken the oath of allegiance to the State

*Three hundred large "family boats" arrived at the Falls of the Ohio in the spring of 1780.—BUTLER'S KENTUCKY, p. 99.

of Virginia, and, notwithstanding the warfare that was carried on between the hostile Indian tribes and the white settlers on the borders of the Ohio, some of the chief men of a few western tribes had expressed sentiments of friendship for the government of the United States.

In the spring of the year 1779, Colonel John Todd, who bore the commission of County Lieutenant for the county of Illinois, visited the old settlements at Vincennes and Kaskaskia, for the purpose of organizing, among the inhabitants of those places, forms of temporary government, according to the provisions of the act of the General Assembly of Virginia, of October, 1778. On the 15th of June, 1779, the following proclamation, concerning the settlement and titles of lands on the borders of the rivers Mississippi, Ohio, Illinois, and Wabash, was published by Colonel Todd:—

“ILLINOIS [COUNTY] TO WIT—

“Whereas, from the fertility and beautiful situation of the lands bordering upon the Mississippi, Ohio, Illinois, and Wabash rivers, the taking up of the usual quantity of land heretofore allowed for a settlement by the government of Virginia, would injure both the strength and commerce of this country: I do, therefore, issue this proclamation, strictly enjoining all persons whatsoever from making any new settlements upon the flat lands of the said rivers, or within one league of said lands, unless in manner and form of settlements as heretofore made by the French inhabitants, until further orders herein given. And, in order that all the claims to lands in said county may be fully known, and some method provided for perpetuating, by record, the just claims, every inhabitant is required, as soon as conveniently may be, to lay before the person, in each district, appointed for that purpose, a memorandum of his or her land, with copies of all their vouchers; and where vouchers have never been given, or are lost, such depositions or certificates as will tend to support their claims:—the memorandum to mention the quantity of land, to whom originally granted, and when, —deducing the title through the various occupants to the present possessor. The number of adventurers who will shortly overrun this country, renders the above method necessary, as well to ascertain the vacant lands, as to guard against trespasses which will probably be committed on lands not on record. Given under my hand and seal, at Kaskaskia, the 15th of June, in the third year of the commonwealth, 1779.

JOHN TODD, JR.”

For the preservation of peace, and the administration of justice, a court of civil and criminal jurisdiction was organized, at Vincennes, in the month of June, 1779. The court was composed of several magistrates. Colonel J. M. P. Legras, who had received the appointment of "commandant at Post Vincennes," acted as president of this new court; and, in some instances, exercised a controlling influence over its proceedings. Adopting, in some measure, the usages and customs of the early commandants of French posts in the west, the magistrates of the court of Post Vincennes began to grant tracts of land to the French and American inhabitants of the town, and to different officers, civil and military, of the country. It seems, indeed, that the court assumed the power of granting lands to every applicant; and, before the year 1783, about twenty-six thousand acres of land were granted to individual applicants. From the year 1783 to the time when, in 1787, the practice was prohibited by General Harmar, the quantity of land granted to individuals, by the court of Vincennes, amounted to twenty-two thousand acres.* These lands were granted in tracts "varying in quantities from four hundred acres to the size of a house-lot." But, besides the granting of these small tracts, the court of Post Vincennes attempted to dispose of a large district of country. The commandant, and the magistrates over whom he presided, after having, for some time, exercised the power of giving away the lands in that quarter, finally adopted the opinion that they were invested with authority to dispose of the whole of that large region which had, it seems, in 1742, been granted, by the Piankeshaw Indians, to the French inhabitants of Post Vincennes, for their use. "Accordingly, an arrangement was made, by which the whole country, to which the Indian title was supposed to be extinguished, was divided between the members of the court, and orders to that effect entered on their journal—each member absenting himself from the court on the day that the order was to be made in his favor, so that it might appear to be the act of his fellows only."†

In the month of July, 1779, two Piankeshaw chiefs, who were called Tabac, (or Tobacco's son,) and Grand Cornet,

*Letter, written in 1790, from Winthrop Sargent to George Washington.

†Letter from Gov. Harrison to James Madison, Jan. 19, 1802.

granted and conveyed, by deed, to George Rogers Clark, a tract of land two and a half leagues square, lying on the right bank of the Ohio, opposite the falls of that river. Virginia never confirmed this grant, or purchase, because the constitution of that State, which was formed in May, 1776, declared that no purchase of lands should be made of the Indian natives but on behalf of the public, by the authority of the General Assembly.

CHAPTER XVI.

INDIAN WARFARE.

NOTWITHSTANDING the various prudential measures which were carried into effect by the American Congress, for the purpose of subduing the hostility that existed between the principal northwestern Indian tribes and the white settlers on the borders of the river Ohio, the irregular and merciless border warfare which was carried on by these parties against each other, was not brought to a close until the confederated forces of the tribes hostile to the United States were overpowered and defeated, in 1794, by the army under the command of General Anthony Wayne.

In tracing the progress of the conflict between civilization and barbarism, in the country northwest of the river Ohio, from 1779 to 1787, I find that the white population and the Indian tribes of this region were, during that period, kept in a state of agitation by a succession of events, the most memorable of which are here briefly related:

I. In June, 1779,* Colonel John Bowman led a force of three hundred men from Kentucky against an Indian town on the Little Miami river. In this expedition, Benjamin Logan, John Holder, James Harrod, and John Bulger were captains.

* Jefferson's Correspondence. i, 163.

The expedition "arrived within a short distance of the town, near night, and halted. It was then determined to make the attack by daybreak. For this purpose, Captain Logan was detached to encircle the town on one side, while Bowman was to surround it on the other, and to give the signal of assault. Logan immediately executed his part of the plan, and waited for his superior officers. Day began to break, and still there was no appearance of the detachment in front. Logan, in the mean time, ordered his men to conceal themselves in the grass and the weeds. The men, in shifting about for hiding-places, alarmed one of the enemy's dogs, whose barking soon brought out an Indian to discover the cause of the alarm. At this moment, one of Logan's men discharged his gun; the Indian, aware that it proceeded from an enemy, gave an instantaneous and loud whoop, and ran immediately to his cabin. The alarm was now spread; but still the time was not too late for an energetic attack. Logan could see the women and children escaping to the woods by a ridge between his party and the other detachment."* The Indians made a vigorous defense; and the party under Colonel Bowman was forced to retreat to Kentucky, with a loss of eight or nine men killed. The loss of the Indians has not been recorded.

II. In the spring of 1780, an expedition, commanded by Captain Byrd, set out from Detroit to attack the settlements in Kentucky. This expedition, having some small pieces of artillery, proceeded in boats as far as it could ascend the Maumee river. It moved thence, by land, to the Big Miami, down that river to the Ohio, and up the Ohio to the mouth of Licking river. From this point, with a force amounting to about six hundred men, principally Indians, Captain Byrd moved up the Licking as far as the junction of the south fork of that stream. Being then in the vicinity of Martin's and Ruddle's stations, he appeared before those places about the 22d of June. The settlers, being surprised by an overwhelming force, "surrendered at discretion." The Indians plundered the stations, and took possession of the prisoners, some of whom were massacred, while others were carried into captivity. Immediately after the reduction of these two incon-

* Butler's History of Kentucky, 108.

siderable stations, Captain Byrd, although no force appeared to oppose him, commenced a precipitate retreat from Kentucky. Various causes have been assigned for this sudden movement; some writers have attributed it to the weak and vacillating character of Byrd; others say, that "shocked by the irrepressible barbarities of the Indians, he determined to arrest his expedition, and return to Detroit."

III. Soon after the retreat of Captain Byrd, General George Rogers Clark raised, in Kentucky, an army of about one thousand men, for the purpose of carrying an expedition against the Indian villages on the Little Miami and the Big Miami rivers. The army moved from the place of rendezvous, at the mouth of Licking river, about the 2d of August, 1780; and after a march of four days, it reached the principal Chillicothe village, on the banks of the Little Miami. The Indians had deserted the place, and retired to the Piqua town on the Big Miami. The troops under General Clark, after cutting down the growing corn about the Chillicothe village, and destroying several Indian huts, marched for the Piqua town. This town extended along the margin of the river two or three miles; the huts, in some cases, being more than one hundred yards apart. As the Kentuckians advanced upon the town, they were suddenly attacked by a considerable number of Indians; but the latter, after maintaining an obstinate conflict for some time, were at last overpowered by superior numbers, and forced to retreat, leaving seventeen or eighteen of their men dead on the field. The loss of the whites was nineteen or twenty killed. The Piqua town, and a few deserted villages within twenty miles of it, were reduced to ashes; many acres of corn were destroyed; and the Kentucky troops then returned to the mouth of Licking river, where they were disbanded.

IV.—In the fall of the year 1780, La Balme, a native of France, made an attempt to lead an expedition from Kaskaskia against the British post at Detroit. Having recruited about thirty men at Kaskaskia, he proceeded from that place to Vincennes, where he was joined by a small reinforcement. From this point he moved up the Wabash river, and directed his course to the British trading post that stood at the head of the river Maumee, where the town of Fort Wayne now stands. After plundering the British traders, and some of the

half-breed Indians, he retired from the post, and encamped, for the night, on the banks of the small river Aboite. The encampment was attacked in the night, by a party of Miami Indians; a few of La Balme's followers were killed; others escaped; and the expedition against Detroit was abandoned.

V.—A war between Great Britain and Spain broke out early in 1779; and on the 2d of January, 1781, Captain Don Eugenio Pierre, a Spaniard, marched from St. Louis with a detachment of sixty-five men, to attack the British post of St. Joseph. This Spanish expedition was joined by sixty Indians. The united forces reached St. Joseph without opposition, and captured a few British traders at that place. Don Eugenio Pierre formally took possession of the post, its dependencies, and the river Illinois, in the name of the king of Spain. The Spaniards, however, soon retired from St. Joseph, and returned to St. Louis. Spain made an attempt to found, on this circumstance, a claim to a large territory on the eastern side of the river Mississippi.

VI.—In the summer of the year 1781, Colonel Archibald Loughrey,* of Westmoreland county, Pennsylvania, raised a corps of about one hundred men, who volunteered to accompany Gen. George Rogers Clark on an expedition against the British post at Detroit. These volunteers embarked in boats, at Wheeling, and moved down the river, in order to join the troops under the command of General Clark, at the Falls of the Ohio. On the morning of the 24th of August, Colonel Loughrey and his party passed the mouth of the Great Miami river; and, soon afterward, one of the boats was taken to the Kentucky side of the river, and a number of men, under the command of Captain William Campbell, went on shore, for the purpose of cooking and eating some buffalo meat. The Ohio river was low; and near the point at which the boat was fastened to the shore, there was a sandbar that extended from the Indiana side a considerable distance in the direction of the opposite side of the river. When the men on shore were engaged in making fires, and while the other part of Loughrey's small force was approaching the land, a large body of Indians suddenly made their appearance on the Kentucky side of the

* Reports Com. 2d Ses. 29th Congress, No. 30.

river, and commenced an attack on the Pennsylvania volunteers. Colonel Loughrey immediately ordered his men to retire to their boats, and to pass over to the sandbar that stretched into the river from the Indiana shore. But as soon as the men were embarked, and the boats began to move, another large body of Indians rose from their places of concealment, and rushed out on the sandbar to attack the boats. Thus assailed by superior numbers, the soldiers who composed this small expedition were forced to surrender. About forty white men were killed in the contest. On the afternoon of the day on which Colonel Loughrey became a prisoner, he was tomahawked and scalped, near the mouth of a creek which still bears his name. The Indians, on this occasion, spared the lives of about sixty prisoners. Several of these captives were taken to Detroit, where, after the lapse of some time, they were released, or exchanged for other prisoners, and permitted to return to their homes.

VII.—In the spring of 1781,* an army of eight hundred men commanded by Colonel Daniel Broadhead, marched from the place of rendezvous, at Wheeling, to destroy the Indian villages at Coshocton, near the forks of the Muskingum river. The army reached the principal village on the east side of the river and took a number of prisoners, without firing a single shot. Sixteen captive warriors were immediately tomahawked and scalped. The march of the army was arrested by the river, which was very high, and the villages on the west side escaped destruction. An Indian made his appearance on the western bank of the river, and called to some of the sentinels of Broadhead's army. They answered, "what do you want?" He told them that he wished to see the Big Captain—meaning Colonel Broadhead. That officer soon appeared on the eastern bank of the river, and asked the Indian to tell what he wanted. The latter replied "I want peace." "Send over some of your chiefs," said Colonel Broadhead. "May be you kill," replied the Indian. "No," said the Colonel, "they shall come, and go, in safety." A chief of very commanding appearance then went over the river to the encampment, and entered into a conversation with Colonel Broadhead. While he was thus

* Doddridge says "in the summer of '1780."

engaged, a man whose name was Wetzel, walked up behind him, and gave him a powerful blow on the head, with a tomahawk. The chief fell down and expired instantly. Some Indian villages were destroyed; a few more Indian prisoners were tomahawked; and the army under Colonel Broadhead then retired from the Indian country.

VIII.—In the month of March, 1782, Colonel David Williamson, at the head of a party of eighty or ninety mounted men, principally from the western part of Pennsylvania, crossed the Ohio at Mingo Bottom,* and marched into the Indian country, for the purpose of destroying the towns of the peaceable Moravian Indians on the Muskingum river. The party took the unresisting Indians of the villages of Gnadenhuetten and Salem, placed them under guard in two houses at the former village, and then held a general council to decide on their fate. They were doomed to death. Only eighteen of Williamson's men were disposed to spare their lives. Ninety-six Indians were massacred at this place. Among these there were twenty women, and thirty-four children. The deed was perpetrated on the 8th of March, 1782. The villages and the mangled bodies of the slain were burned; and Colonel Williamson and his party then made a rapid retreat to the settlements on the eastern side of the Ohio.

IX.—Early in the spring of 1782, a party of about twenty-five Indians appeared before Estill's station, in Kentucky. At this place they killed one white man, captured a negro, and destroyed some cattle. The Indians then retreated. Captain James Estill, at the head of twenty-five men, pursued the retreating party, and overtook them on Hinkston's fork of Licking, about two miles below the Little Mountain. After an obstinate battle, which was fought on the 22d of March, the Kentuckians were defeated, with the loss of nine men killed. Captain Estill was among the slain.

X.—In the latter part of the month of May, 1782, Colonel William Crawford, at the head of about four hundred and eighty volunteers, from the western parts of Pennsylvania and Virginia, passed the Ohio, near the Mingo Bottom, and marched to destroy the Moravian and the Wyandot villages

* About two miles below the site of the town of Steubenville, Ohio.

on the river Sandusky. The men were mounted, and it was their resolution "not to spare the lives of any Indians that might fall into their hands, whether friends or foes."* On reaching the plains near Upper Sandusky, the force under Crawford was defeated by the Indians, and compelled to make a precipitate retreat to the eastern side of the Ohio, with a loss of about one hundred men. Colonel Crawford was captured by the Indians, tortured, and burned to death at the stake.

XI.—On the 15th of August, 1782, four or five hundred Indians, commanded by Simon Girty,† appeared before Bryant's station, in Kentucky. This station, which contained about forty cabins and forty or fifty men, was situated on the southern bank of Elkhorn, and on the left of the road that now leads from Lexington to Maysville. The Indians besieged the place from sunrise on the 15th, till about ten o'clock the next day, when they marched off with a loss of about thirty warriors, killed and wounded. The loss of the whites was four men killed, and three wounded. A party of one hundred and eighty-two mounted men was soon collected, and this small number of volunteers, under the command of Colonel John Todd, pursued the Indians and overtook them at the Lower Blue Licks, on Licking river. At this place, on the 19th of August, a battle was fought in which the Kentuckians were defeated with the loss of sixty men killed. Colonel John Todd, Major Trigg, Major Harland, and Captain McBride, were among the slain.

XII.—On the 4th of November, 1782, an expedition, consisting of one thousand and fifty men, under the command of General George Rogers Clark, moved from their place of rendezvous, near the mouth of Licking river, and marched into the Indian country, with the view of destroying the Shawanee and other villages on the borders of the Great and Little Miami rivers. "We surprised the principal Shawanee town, [says General Clark,] on the evening of the 10th instant. Immediately detaching strong parties to different quarters, in a few hours two-thirds of the town was laid in ashes, and every

* Doddridge, 268.

† This white man was a chief of the Delaware Indians, and as such lived among them before the commencement of the Revolutionary war.

thing they were possessed of destroyed, except such articles as might be useful to the troops. The enemy had no time to secrete any part of their property which was in the town. The British trading-post at the head of the Miami and carrying-place to the waters of the lake shared the same fate, at the hands of a party of one hundred and fifty horse, commanded by Colonel Benjamin Logan. The property destroyed was of great amount; and the quantity of provisions burned surpassed all idea we had of the Indian stores. The loss of the enemy was ten scalps, seven prisoners, and two whites retaken. Ours was one killed, and one wounded. After lying part of four days in their towns, and finding all attempts to bring the enemy to a general action fruitless, we retired, as the season was far advanced and the weather threatening. * * * We might probably have got many more scalps and prisoners, could we have known in time whether we were discovered or not. We took for granted that we were not, until, getting within three miles, some circumstances happened which caused me to think otherwise. Colonel John Floyd was then ordered to advance with three hundred men to bring on an action or attack the town, while Major Wells, with a party of horse, had previously been detached by a different route as a party of observation. Although Colonel Floyd's motions were so quick as to get to the town but a few minutes later than those who discovered his approach, the inhabitants had sufficient notice to effect their escape to the woods, by the alarm-cry which was given on the first discovery. This was heard at a great distance, and repeated by all that heard it. Consequently, our parties only fell in with the rear of the enemy."*

XIII.—Provisional articles of peace between the United States of America and Great Britain, were signed at Paris on the 30th November, 1782. This was followed by an armistice, negotiated at Versailles, on the 20th of January, 1783, declaring a cessation of hostilities; and finally a definitive treaty of peace was concluded at Paris on the 3d of September, 1783, and ratified by Congress on the 14th of January, 1784. The war between the United States and Great Britain was virtually

* Letter dated November 27, 1782, from General G. R. Clark to the Governor of Virginia.—BUTLER'S HIS. OF KY., p. 536.

closed by the surrender of Lord Cornwallis, at Yorktown, in Virginia, on the 19th of October, 1781. By the second article of the definitive treaty of 1783, the boundaries of the United States were defined and established as follows, viz: From the northwest angle of Nova Scotia, viz: that angle which is formed by a line drawn due north from the source of Saint Croix river to the Highlands; along the said Highlands which divide those rivers that empty themselves into the river Saint Lawrence from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river; thence down along the middle of that river to the forty-fifth degree of north latitude; from thence, by a line due west on said latitude, until it strikes the river Iroquois at Cataraguy; thence along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication into lake Erie, through the middle of said lake until it arrives at the water communication between that lake and lake Huron; thence along the middle of said water communication into the lake Huron; thence through the middle of said lake to the water communication between that lake and lake Superior; thence through lake Superior northward of the isles Royal and Philipeaux to the Long lake; thence through the middle of the said Long lake and the water communication between it and the lake of the Woods to the said lake of the Woods; thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. South, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator to the middle of the river Appalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St. Mary's river, and thence down along the middle of St. Mary's river to the Atlantic ocean. East, by a line to be drawn along the middle of the river St. Croix, from its mouth, in the bay of Fundy, to its source; and from its source, directly north, to the aforesaid Highlands which divide the rivers that fall into

the Atlantic ocean from those which fall into the river St. Lawrence—comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy and the Atlantic ocean, excepting such islands as now are or heretofore have been within the limits of the said province of Nova Scotia.

XIV.—On the 11th of April, 1783, a proclamation was issued by Congress, declaring a cessation of hostilities between the United States and Great Britain.

XV.—On the 2d of July, 1783, General George Rogers Clark was dismissed from the service of Virginia. On this occasion, Benjamin Harrison, the governor of Virginia, wrote to General Clark a letter, which contained the following passages:—"The conclusion of the war, and the distressed situation of the State, with respect to its finances, call on us to adopt the most prudent economy. It is for this reason alone, I have come to a determination to give over all thoughts for the present of carrying on an offensive war against the Indians, which you will easily perceive will render the services of a general officer in that quarter unnecessary, and will, therefore, consider yourself as out of command; but before I take leave of you, I feel myself called upon, in the most forcible manner, to return you my thanks, and those of my council, for the very great and singular services you have rendered your country, in wresting so great and valuable a territory out of the hands of the British enemy, repelling the attacks of their savage allies, and carrying on a successful war in the heart of their country. This tribute of praise and thanks, so justly due, I am happy to communicate to you as the united voice of the executive."

XVI.—By an act of the 2d of January, 1781, the General Assembly of Virginia resolved that, on certain conditions, they would cede to Congress, for the benefit of the United States, all the right, title, and claim which Virginia had to the territory northwest of the river Ohio. Congress, by an act of the 13th of September, 1783, agreed to accept the cession of the territory; and the General Assembly of Virginia, on the 20th of December, 1783, passed an act authorizing their delegates

in Congress to convey to the United States the right, title, and claim of Virginia to the lands northwest of the river Ohio.

XVII.—In October, 1783, the General Assembly of Virginia passed an act for laying off the town of Clarksville, at the Falls of the Ohio, in the county of Illinois. The act provided that the lots, of half an acre each, should be sold at public auction for the best price that could be had. The purchasers respectively were to hold their lots subject to the condition of building on each, within three years from the day of sale, a dwelling-house, “twenty feet by eighteen at least, with a brick or stone chimney.” William Fleming, John Edwards, John Campbell, Walker Daniel, George R. Clark, Abraham Chaplin, John Montgomery, John Bailey, Robert Todd, and William Clark, were, by the act of the assembly, constituted trustees of the town of Clarksville.

XVIII.—On the 1st day of March, 1784, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, delegates in Congress on the part of Virginia, executed a deed of cession, by which they transferred to the United States, on certain conditions, all right, title, and claim of Virginia to the country northwest of the river Ohio. The deed of cession contained the following conditions, viz: “That the territory so ceded shall be laid out and formed into States, containing a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square; or as near thereto as circumstances will admit; and that the States so formed shall be distinct Republican States, and admitted members of the Federal Union; having the same rights of sovereignty, freedom, and independence as the other States. That the necessary and reasonable expenses incurred by Virginia, in subduing any British posts, or in maintaining forts and garrisons within, and for the defense, or in acquiring any part of, the territory so ceded or relinquished, shall be fully reimbursed by the United States. That the French and Canadian inhabitants, and other settlers of the Kaskaskias, Post Vincennes, and the neighboring villages, who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties. That a quantity not exceeding one hundred and fifty thousand acres of land, promised by Virginia, shall be allowed

and granted to the then Colonel, now General George Rogers Clark, and to the officers and soldiers of his regiment, who marched with him when the posts of Kaskaskia and Vincennes were reduced, and to the officers and soldiers that have been since incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth, in such place on the northwest side of the Ohio, as a majority of the officers shall choose,* and to be afterward divided among the officers and soldiers in due proportion, according to the laws of Virginia. That in case the quantity of good lands on the southeast side of the Ohio, upon the waters of Cumberland river, and between the Green river and Tennessee river, which have been reserved by law for the Virginia troops upon continental establishment, should, from the North Carolina line, bearing in further upon the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency shall be made up to the said troops, in good lands, to be laid off between the rivers Scioto and Little Miami, on the northwest side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia.† That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United

* This reservation was laid off on the borders of the Ohio river, adjacent to the falls; and the tract was called the "Illinois Grant," or "Clark's Grant."

† By the provisions of the acts of the General Assembly of Virginia, of the 3d of October, 1779, and 5th of October, 1780, the following land bounties were promised to the officers and soldiers of Virginia, who should serve to the end of the Revolutionary war, viz:

To a Major-General.....	15,000	acres.
Brigadier-General	10,000	"
Colonel.....	6,666 $\frac{2}{3}$	"
Lieutenant-Colonel.....	6,000	"
Major.....	5,666 $\frac{2}{3}$	"
Captain.....	4,000	"
Subaltern.....	2,666 $\frac{2}{3}$	"
Non-commissioned Officer.....	400	"
Soldier (private).....	200	"

States as have become, or shall become, members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever."

XIX.—In the spring of 1784, after the Virginia deed of cession had been accepted by Congress, the subject was referred, in that body, to a committee, consisting of Messrs. Jefferson, of Virginia, Chase, of Maryland, and Howell, of Rhode Island. This committee reported an ordinance for the government of the territory northwest of the river Ohio. The ordinance declared that, after the year 1800, there should be neither slavery nor involuntary servitude, otherwise than in punishment of crime, in any of the States to be formed out of the said territory. This provision of the ordinance was rejected; but, on the 23d of April, 1784, Congress, by a series of resolutions, provided for the maintenance of temporary government in the country which the United States had acquired northwest of the Ohio.

XX.—On the 21st of January, 1785, George Rogers Clark, Richard Butler, and Arthur Lee, commissioners on the part of the United States, negotiated, at Fort McIntosh,* a treaty of peace with a number of sachems and warriors of the Wyandot, Delaware, Chippewa, and Ottawa nations of Indians.†

XXI.—On the 20th of May, 1785, the Congress of the United States passed "An ordinance for ascertaining the mode of disposing of lands in the western territory."‡

XXII.—By an order of Congress, of the 15th of June, 1785, the following proclamation was circulated in the country northwest of the river Ohio: "Whereas it has been represented to the United States in Congress assembled, that several disorderly persons have crossed the river Ohio and settled upon their unappropriated lands; and whereas it is their intention, as soon as it shall be surveyed, to open offices for the sale of a considerable part thereof, in such proportions and under such

* On the northern side of the river Ohio, at the mouth of Beaver creek, about twenty-nine miles below Pittsburg.

† See Appendix A.

‡ See Appendix B.

other regulations as may suit the convenience of all the citizens of the said States and others who may wish to become purchasers of the same: and as such conduct tends to defeat the object which they have in view; is in direct opposition to the ordinances and regulations of Congress, and highly disrespectful to the federal authority; they have, therefore, thought fit, and do hereby issue this their proclamation, strictly forbidding all such unwarrantable intrusions, and enjoining all those who have settled thereon to depart with their families and effects, without loss of time, as they shall answer the same at their peril."

XXIII.—In Congress, on the 18th of March, 1785, it was resolved, "That, in order to give greater security to the frontier settlement, and establish a boundary line between the United States and the Pottawattamie, Twightwee, Piankeshaw and other western nations, a treaty be held with the said Indians at Post Vincennes, on the Wabash river, on the 20th day of June, 1785, or at such other time or place as the commissioners may find more convenient." By a resolution of Congress, of the 6th of June, 1785, the commissioners on the part of the United States were authorized and directed to obtain from the western tribes of Indians a cession of lands "as extensive and liberal as possible." The resolution of the 18th of March, the ordinance of the 20th of May, and the proclamation of the 15th of June, aroused the jealousy of the western Indians, and produced no small degree of excitement among the American adventurers and the French settlers at Post Vincennes. The French settlers, by virtue of Indian grants and court concessions, claimed, on the northwestern side of the Ohio, a territory of about fifteen thousand square miles. The claims of the Illinois and Wabash Land Companies covered a region of far greater extent. Neither these Land Companies, nor the Miami Indians, nor the French inhabitants of Post Vincennes, were disposed to give up to the United States their respective claims to lands lying northwest of the river Ohio. The Indians who resided on the Wabash were restless and jealous of the advancing settlements of the whites; the British still held possession of the posts of Michilimacinae, Detroit, and some of their dependencies; the Spaniards claimed the right and left banks of the Mississippi, and maintained that the dominion of

the United States did not extend as far westward as that river: and the inhabitants of Kaskaskia and Post Vincennes were distressed by commotion among themselves. By a resolution of Congress of the 29th of June, 1785, the commissioners for negotiating a treaty with the western Indians, were directed to hold the said treaty on the western bank of the Ohio, at the rapids, or at the mouth of the Great Miami river. At the latter place on the 31st of January, 1786, a treaty was concluded between the United States and the Shawanee Indians.*

XXIV.—A large Indian council, composed of deputies from different tribes, was held at Ouiatenon, on the river Wabash, in the month of August, 1785. About the same time an Indian killed one of the French inhabitants of Post Vincennes. A party “of the friends of this man then fell on the Indians, killed four, and wounded some more. Soon afterward an Indian chief waited on the French inhabitants, and told them that they must remove at a fixed time—that the Indians were determined to make war on the American settlers—and that if the French remained at Post Vincennes, they would share the fate of the Americans.”† Notwithstanding the hostile temper of the Indians, during the years 1785 and 1786, the court of Post Vincennes continued to grant tracts of land to various French and American adventurers. The fees of the court, for each deed of concession, amounted to four dollars. Of the Americans who attempted to make improvements on such grants, some were killed by the Indians, others became alarmed and retired to Kentucky, and a few remained at Post Vincennes, where they were protected by the French inhabitants.

XXV.—In the year 1786, some traders arrived, in boats, at Post Vincennes, and reported that they had been fired on by a party of Indians who were encamped near the mouth of the river Embarrass, a few miles below the town. A settler, whose name was Small, immediately raised a company of thirty or forty men, and proceeded to the Indian encampment. In a skirmish which then took place, several Indians, and some white men, were killed.

*See App. C. †Correspondence of Capt. John Armstrong, Sept., 1785.

XXVI.—At this period, the hostile temper of the Indians harassed the inhabitants of Kentucky—interfered materially with the projects of a numerous class of land-jobbers—prevented the settlement of Clark's grant—and frustrated the unremitting attempts of Congress to extinguish the Indian right to lands on the northwestern side of the river Ohio. Such was the state of affairs, when, in the summer of 1786, a strong military force was raised in Kentucky, for the purpose of making simultaneous attacks on the Indian towns of the Wabash, and the Shawancee villages in the country between the Big Miami and the Scioto rivers. About one thousand men, under the command of General George Rogers Clark, marched from the Falls of the Ohio for Post Vincennes, and arrived in the neighborhood of that place early in the month of October. The army then encamped, and lay in a state of inactivity for nine days, awaiting the arrival of provisions and stores which had been shipped on keelboats at Louisville and Clarksville. When the boats arrived at Post Vincennes, about one-half of the provisions were spoiled; and that part which had been moved by land was almost exhausted. A spirit of discontent began to manifest itself in camp, even before the arrival of the boats; and when the state of supplies was known, this spirit became more apparent.* The Kentucky troops, however, having been reinforced by a considerable number of the inhabitants of Post Vincennes, were ordered to move up the Wabash, toward the Indian towns that lay in the vicinity of the ancient post of Ouiatenon. The people of these towns had received intelligence of the approach of their enemy, and had selected a place for an ambuscade among the defiles of Pine creek. On reaching the neighborhood of the mouth of Vermillion river, the army found that the Indians had deserted their villages on that stream near its junction with the Wabash. At this crisis, when the spirits of the officers and men were depressed by disappointment, hunger, and fatigue, some persons circulated throughout the camp a rumor that General Clark had sent a flag of truce to the Indians, with the offer of peace or war. This rumor, combined with a lamentable change which had taken place in the once temperate, bold, energetic, and com-

* Marshall's History of Kentucky.

manding character of Clark, excited among the troops a spirit of insubordination which neither the commands, nor the entreaties, nor the tears of the general could subdue. At an encampment near the mouth of the Vermillion river, about three hundred men in a body left the army, and proceeded on their way homeward. The remainder of the troops, under the command of General Clark, then abandoned the expedition and returned to Post Vincennes.

XXVII.—Late in the summer, or early in the fall, of the year 1786, before General Clark moved from his encampment near the Falls of the Ohio, on his expedition against the Wabash Indians, he directed Colonel Benjamin Logan, of Kentucky, to “raise a party with all practicable speed,” and march against the Shawanees, whose villages were situated in the country lying about the headwaters of Big Miami river. Colonel Logan soon raised four or five hundred mounted riflemen, crossed the river Ohio at the point where the town of Maysville now stands, and penetrated the Indian country as far as the headwaters of Mad river. In the words of one of the actors* in this expedition, “Colonel Logan would have surprised the Indian towns against which he marched, had not one of his men deserted to the enemy, and gave notice of his approach. As it was, he burned eight large towns, and destroyed many fields of corn. He took seventy or eighty prisoners, and killed about twenty warriors, and among the rest, the head chief of the nation. This last act caused deep regret, humiliation, and shame to the commander and his troops.” The murder of the chief was, however, perpetrated in direct violation of the orders of Colonel Logan. In the course of this expedition the Kentuckians lost about ten men.†

*The late Gen. William Lytle, of Cincinnati.

†McDonald's Sketches.

CHAPTER XVII.

GARRISON ESTABLISHED AT VINCENNES—INDIAN AND SPANISH
AFFAIRS IN THE WEST.

IN the month of October, 1786, a board, composed of field-officers in the Wabash expedition, met in a council at Post Vincennes, and "unanimously agreed that a garrison at that place would be of essential service to the district of Kentucky, and that supplies might be had in the district more than sufficient for their support, by impressment or otherwise, under the direction of a commissary to be appointed for that purpose, pursuant to the authority vested in the field-officers of the district by the executive of Virginia. The same board appointed Mr. John Craig, jr., a commissary of purchases; and resolved that one field-officer and two hundred and fifty men, (exclusive of a company of artillery, to be commanded by Captain Valentine Thomas Dalton,) be recruited to garrison Post Vincennes; and that Colonel John Holder be appointed to command the troops in this service."* In order to carry these resolutions into effect, General Clark, who "assumed the supreme direction of the corps,"† began to levy recruits, appoint officers, and impress provisions for the support of a garrison at Post Vincennes. He dispatched messages to the Indian tribes that lived on the borders of the Wabash, and invited those tribes to meet him in a great council, at Clarksville, on the 20th of November, 1786, to make a treaty of peace and friendship. A few chiefs, of different bands, sent answers to General Clark, and expressed their willingness to meet him in council, not at Clarksville, but at Post Vincennes. The following is an extract from the answer of "the Goose and Fusil:"

"My Elder Brother: Thou oughtest to know the place we have been accustomed to speak at: it is at Post Vincennes. There our chiefs are laid. There our ancestor's bed is, and that of our father the French—and not at Clarksville, where you required us to meet you. We don't know such a place;

*Secret Journals of Congress, iv, 311.

†Ib. 312.

but at Post Vincennes where we always went when necessary to hold councils. My Elder Brother—thou informest me I must meet you at the place I have mentioned; yet, thou seest, my brother, that the season is far advanced; and that I would not have time to invite my allies to come to your council, which we pray to hold at Post Vincennes.”

In replying to this message, and to other communications of a similar nature, General Clark said: “I propose the last of April [1787], for the grand council to be held at this place, Post Vincennes, where I expect all those who are inclined to open the roads will appear, and we can soon discover what the Deity means.”

At this period the Spanish minister, Mr. Gardoqui, and John Jay, the Secretary of the United States for Foreign Affairs, were carrying on negotiations for the establishment of a treaty between the United States and Spain. On the 3d of August, 1786, Mr. Jay made before Congress a certain statement, from which the following is an extract: “It appears to me that a proper commercial treaty with Spain would be of more importance to the United States than any they have formed, or can form, with any other nation. I am led to entertain this opinion from the influence which Spain may and will have both on our politics and commerce. France, whom we consider as our ally, and to whom we shall naturally turn our eyes for aid in case of war, etc., is strongly bound to Spain by the family compact; and the advantages she derives from it are so various and so great, that it is questionable whether she could ever remain neutral in case of a rupture between us and Spain. Besides, we are well apprised of the sentiments of France relative to our western claims, in which I include that of freely navigating the river Mississippi. I take it for granted that, while the compact in question exists, France will invariably think it her interest to prefer the good will of Spain to the good will of America; and although she would very reluctantly give umbrage to either, yet, if driven to take part with one or the other, I think it would not be in our favor. Unless we are friends with Spain, her influence, whether more or less, on the counsels of Versailles, will always be against us. * * * On general principles of policy and commerce, it is the interest of the United States to be on the best terms with Spain. * * *

My attention is chiefly fixed on two obstacles which at present divide us, viz: the navigation of the Mississippi, and the territorial limits between them and us.

"My letters from Spain, when our affairs were the least promising, evince my opinion respecting the Mississippi, and oppose every idea of our relinquishing our right to navigate it. I entertain the same sentiments of that right, and of the importance of retaining it, which I then did. Mr. Gardoqui strongly insists on our relinquishing it. We have had many conferences and much reasoning on the subject, not necessary now to detail. His concluding answer to all my arguments has steadily been that the king will never yield that point, nor consent to any compromise about it—for that it always has been, and continues to be, one of their maxims of policy to exclude all mankind from their American shores.

"I have often reminded him that the adjacent country was filling fast with people; and that the time must and would come when they would not submit to seeing a fine river flow before their doors without using it as a highway to the sea for the transportation of their productions; that it would therefore be wise to look forward to that event, and take care not to sow in the treaty any seeds of future discord. He said that the time alluded to was far distant, and that treaties were not to provide for contingencies so remote and future. For his part he considered the rapid settlement of that country as injurious to the States, and that they would find it necessary to check it. Many fruitless arguments passed between us; and though he would admit that the only way to make treaties and friendship permanent, was for neither party to leave the other any thing to complain of; yet he would still insist that the Mississippi must be shut against us. * * * Circumstanced as we are, I think it would be expedient to agree that the treaty should be limited to twenty-five or thirty years, and that one of the articles should stipulate that the United States would forbear to use the navigation of that river below their territories to the ocean. Thus the duration of the treaty and of the forbearance in question would be limited to the same period. Whether Mr. Gardoqui would be content with such an article, I can not determine, my instructions restraining me from even

sounding him respecting it. I nevertheless think the experiment worth trying for several reasons.

1. Because, unless that matter can in some way or other be settled, the treaty, however advantageous, will not be concluded.

2. As the navigation is not *at present* important, nor will probably become much so in less than twenty-five or thirty years, a forbearance to use it while we do not want it is no great sacrifice.

3. Spain now excludes us from that navigation, and with a strong hand holds it against us. She will not yield it peaceably, and therefore we can only acquire it by *war*. Now, as we are not prepared for a war with any power; as many of the States would be little inclined to a war with Spain for that object at this day; and as such a war would, for those and a variety of obvious reasons, be inexpedient, it follows that Spain will, for a long space of time yet to come, exclude us from that navigation. Why, therefore, should we not, for a valuable consideration, too, consent to forbear to use what we know is not in our power to use? * * * With respect to territorial limits, it is clear to me that Spain can justly claim nothing east of the Mississippi but what may be comprehended within the bounds of the Floridas. How far those bounds extend, or ought to extend, may prove a question of more difficulty to negotiate than to decide. Pains, I think, should be taken to conciliate and settle all such matters amicably; and it would be better even to yield a few acres than to part in ill humor. * * * It is much to be wished that all these matters had lain dormant for years yet to come; but such wishes are vain. These disputes are agitating—they press themselves upon us; and must terminate in accommodation, or war, or disgrace. The last is the worst that can happen; the second we are unprepared for; and, therefore, our attention and endeavors should be bent to the first. * * *

“Spain is now able and willing to grant us favors. Other treaties and other dispositions and views may render her in future both unable and unwilling to do the like. At a time when other nations are showing us no extraordinary marks of respect, the court of Spain is even courting our friendship by

strong marks, not merely of polite and friendly attention, but by offering us favors not common for her to hold out or bestow; for I consider the terms she proposes as far more advantageous than any to be found in her commercial treaties with other nations. If, after all her endeavors to take us by the hand, we should hold it back, every disposition and passion opposite to kind and friendly ones will undoubtedly influence her future conduct. Disappointed in her views, and mortified by repulse, and that in the sight of Europe, we may easily judge what her feelings would be; nor is it difficult to foresee that those feelings, stimulated by the jealousies and apprehensions before mentioned, will naturally precipitate and keep her in a system of politics, from which the United States can not expect to derive advantage. The Mississippi would continue shut—France would tell us our claim to it was ill-founded. The Spanish posts on its banks, and even those out of Florida in our country, would be strengthened, and that nation would there bid us defiance, with impunity, at least until the American nation shall become more really and truly a nation than it at present is. For, unblessed with an efficient government, destitute of funds, and without public credit, either at home or abroad, we should be obliged to wait in patience for better days, or plunge into an unpopular or dangerous war with very little prospect of terminating it by a peace either advantageous or glorious. Supposing the Spanish business out of the question, yet the situation of the United States appears to me to be seriously delicate, and to call for great circumspection both at home and abroad; nor, in my opinion, will this cease to be the case until a vigorous national government be formed, and public credit and confidence established.”*

The delegates in Congress from the States of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, were disposed, in case a treaty with Spain could not otherwise be made, to forbear, for a limited time, the use of the navigation of the river Mississippi below the southern boundary of the United States. The delegates from Maryland, Virginia, North Carolina, South Carolina, and Georgia, would not consent to a temporary relinquishment

* Secret Journals of Congress, iv, 45.

of the right of the citizens of the United States to the free navigation of the Mississippi: and, as by the ninth article of the confederation the assent of nine States was necessary in making a treaty, the proposition of Mr. Jay was not carried into effect. Although Congress, while debating on this subject, sat with closed doors, its proceedings soon became partially known. The *proposition* was magnified into an *actual treaty*, and called from the western people most bitter complaints and reproaches.* The following is a copy of a letter from a western settler to the Governor of the State of Georgia:

“LOUISVILLE, Falls of Ohio, Dec. 23, 1786.

“*Honored and respected Sir:* Since I had the pleasure of writing my last, many circumstances of alarming nature have turned up to view. The commercial treaty with Spain is considered to be cruel, oppressive, and unjust. The prohibition of the navigation of the Mississippi, has astonished the whole western country. To sell us and make us vassals of the merciless Spaniards, is a grievance not to be borne. Should we tamely submit to such manacles, we should be unworthy the name of Americans, and a scandal to the annals of its history. It is very surprising to every rational person that the legislature of the United States, which has been so applauded for its assertion and defense of their rights and privileges, should so soon endeavor to subjugate the greatest part of their dominion even to worse slavery than ever Great Britain presumed to subjugate any part of hers. Ireland is a free country to what this will be when its navigation is entirely shut. We may as well be sold for bondsmen as to have the Spaniards share all the benefits of our toils. They will receive all the fruits, produce of this large, rich, and fertile country, at their own prices, (which you may be assured will be very low,) and, therefore, will be able to supply their own markets, and all the markets of Europe, on much lower terms than what the Americans possibly can. What, then, are the advantages that the inhabitants of the Atlantic shores are to receive? This is summed up in a very few words: their trade and navigation ruined, and their brethren laboring to enrich a luxurious, merciless, and arbitrary nation. Too much of our property have they already

* Pitkin, ii, 208.

seized, condemned, and confiscated, testimonies of which I send you, accompanying this. Our situation cannot possibly be worse; therefore, every exertion to retrieve our circumstances must be manly, eligible, and just. The minds of the people here are very much exasperated against both the Spaniards and Congress. But they are happy to hear that the State of Georgia has protested against such vile proceedings: therefore they have some hopes, looking up to that State, craving to be protected in our just rights and privileges.

“Matters here seem to wear a threatening aspect. The troops stationed at Post Vincennes by orders of General George Rogers Clark have seized upon what Spanish property there was at that place, also at the Illinois, in retaliation for their many offenses. General Clark, who has fought so gloriously for his country, and whose name strikes all the western savages with terror, together with many other gentlemen of merit, engages to raise troops sufficient, and go with me to the Natchez to take possession, and settle the lands agreeable to the lines of that State, at their own risk and expense; provided you, in your infinite goodness, will countenance them and give us the land to settle it agreeable to the laws of your State. Hundreds are now waiting to join us with their families, seeking asylum for liberty and religion. Not hearing that the lines are settled between you and the Spaniards, we therefore wish for your directions concerning them, and the advice of your superior wisdom. At the same time assuring you that we have contracted for a very large quantity of goods, we hope sufficient to supply all the Indians living within the limits of Georgia. Trusting that we shall be able to make them independent of the Spaniards, wean their affections, and procure their esteem for us and the United States, as we expect to take the goods down with us. We earnestly pray that you would give us full liberty to trade with all those tribes, and also to give your agents for Indian Affairs all the necessary instructions for the prosperity of our scheme. The season for the Indian trade will be so far advanced that I wait with very great impatience.

“General Clark, together with a number of other gentlemen, will be ready to proceed down the river with me, on the shortest notice, therefore I hope and earnestly pray that you will dispatch the express back with all possible speed with your

answer, and all the encouragement due to so great an undertaking. As to the further particulars, I refer you to the bearer, Mr. William Wells,* a gentlemen of merit, who will be able to inform you more minutely than I possibly can of the sentiments of the people of this western country.

Sir, I have the honor to be your honor's, etc.

THOMAS GREEN."

During the winter of 1786-7, copies of the following production were circulated, with an air of secrecy, among some of the American settlements on the western side of the Allegheny mountains:

"A COPY OF A LETTER FROM A GENTLEMAN AT THE FALLS OF OHIO, TO HIS FRIEND IN NEW ENGLAND, DATED DECEMBER 4TH, 1786.

"*Dear Sir:* Politics, which a few months ago were scarcely thought of, are now sounded aloud in this part of the world, and discussed by almost every person. The late commercial treaty with Spain, in shutting up, as it is said, the navigation of the Mississippi for the term of twenty-five years, has given this western country a universal shock, and struck its inhabitants with an amazement. Our foundation is affected. It is therefore necessary that every individual exert himself to apply a remedy. To sell us, and make us vassals to the merciless Spaniards, is a grievance not to be borne. The parliamentary acts which occasioned our revolt from Great Britain were not so barefaced and intolerable. To give us the liberty of transporting our effects down the river to New Orleans, and then

*LOUISVILLE, Dec. 4, 1786.—Jefferson County, ss.

"Whereas, William Wells is now employed by Colonel Thomas Green and others to go to Augusta, in the State of Georgia, on public business, and it being uncertain whether he will be paid for his journey out of the public treasury: should he not be, on his return, we, the subscribers, do jointly and severally, for value received, promise to pay him, on demand, the several sums that are affixed to our names, as witness our hands:

Thomas Green,.....	£10 00	James Huling,.....	£1 00
John Williams,.....	1 00	David Morgan,.....	1 00
George R. Clark,.....	10 00	John Montgomery,.....	1 00
Lawrence Muse,.....	3 00	Ebenezer S. Platt,.....	1 00
Richard Brashears,.....	5 00	Robert Elliott,.....	10
James Patton,.....	3 00	Thomas Stribbling,.....	1 00

—SECRET JOURNAL OF CONGRESS, IV, 318.

be subject to the Spanish laws and impositions, is an insult upon our understanding. We know, by woeful experience, that it is in their power, when once there, to take our produce at any price they please. Large quantities of flour, tobacco, meal, etc., have been taken there the last summer, and mostly confiscated. They who had permits from their governor, were obliged to sell at a price he was pleased to state, or subject themselves to lose the whole. Men of large property are already ruined by their policy. What benefit can you on the Atlantic shores receive from this act? The Spaniards, from the amazing resources of this river, can supply all their own markets at a much lower price than you possibly can. Though this country has been settling but about six years, and that in the midst of an inveterate enemy, and most of the first adventurers fallen a prey to the savages, and although the emigration to this country is so very rapid that the internal market is very great, yet the quantities of produce they now have on hand are immense. Flour and pork are now selling here at twelve shillings the hundred; beef in proportion; any quantities of Indian corn can be had at nine pence per bushel. Three times the quantity of tobacco and corn can be raised on an acre here that can be within the settlements on the east side of the mountains, and with less cultivation. It is therefore rational to suppose that in a very few years the vast bodies of waters in those rivers will labor under immense weight of the produce of this rich and fertile country, and the Spanish ships be unable to convey it to market.

“Do you think to prevent the emigration from a barren country, loaded with taxes, and impoverished with debts, to the most luxurious and fertile soil in the world? Vain is the thought, and presumptuous the supposition. You may as well endeavor to prevent the fishes from gathering on a bank in the sea, which affords them plenty of nourishment. Shall the best and largest part of the United States be uncultivated—a nest for savages and beasts of prey? Certainly not. Providence has designed it for nobler purposes. This is convincing to every one who beholds the many advantages and pleasing prospects of this country. Here is a soil, richer to appearance than can possibly be made by art. Large plains and meadows without the labor of hands, sufficient to support millions of

cattle, summer and winter; cane, which is also a fine nourishment for them, without bounds. The spontaneous production of this country surpasses your imagination. Consequently, I see nothing to prevent our herds being as numerous here in time as they are in the kingdom of Mexico. Our lands to the northward of the Ohio, for the produce of wheat, etc., will, I think, vie with the island of Sicily. Shall all this country now be cultivated for the use of the Spaniards? Shall we be their bondmen, as the children of Israel were to the Egyptians? Shall one part of the United States be slaves, while the other is free? Human nature shudders at the thought, and freemen will despise those who could be so mean as to even contemplate on so vile a subject.

“Our situation is as bad as it possibly can be; therefore, every exertion to retrieve our circumstances must be manly, eligible, and just. We can raise twenty thousand troops on this side the Allegheny and Appalachian mountains; and the annual increase of them by emigration, from other parts, is from two to four thousand.

“We have taken all the goods belonging to the Spanish merchants of Post Vincennes and the Illinois, and are determined they shall not trade up the river, provided they will not let us trade down it. Preparations are now making here (if necessary) to drive the Spaniards from their settlements, at the mouth of the Mississippi. In case we are not countenanced and succored by the United States (if we need it), our allegiance will be thrown off, and some other power applied to. Great Britain stands ready, with open arms, to receive and support us. They have already offered to open their resources for our supplies. When once re-united to them, “farewell, a long farewell to all your boasted greatness.” The province of Canada, and the inhabitants of these waters, of themselves, in time, will be able to conquer you. You are as ignorant of this country as Great Britain was of America. These hints, if rightly improved, may be of some service; if not, blame yourselves for the neglect.”*

It is not probable that the opinions and sentiments of the authors of this letter, were ever held or entertained by any

* Secret Journal of Congress, iv, 320.

considerable number of the western settlers. It seems, indeed, from the following memorial, which was sent to the governor of Virginia, that many of the most influential citizens of the district of Kentucky regarded with sentiments of disapprobation the projects of Mr. Green, and the proceedings of the troops under the command of General Clark, at Post Vincennes:

“DANVILLE [Kentucky], Dec. 22, 1786.

“SIR:—Whatever general impropriety there may be in a few private individuals addressing your excellency on subjects of public nature, we can not resist those impulses of duty and affection, which prompt us to lay before the honorable board at which you preside, a statement of certain unwarrantable transactions, which we are apprehensive may, without the seasonable interposition of the legislature, deeply affect the dignity, honor, and interest of the commonwealth.

“The testimonials which accompany this will give your excellency a general idea of the outrage which has been committed at Post Vincennes, of the illicit views of Mr. Green and his accomplices, and the negotiation which has taken place between General Clark and the Wabash Indians.

“We beg leave to add, that we have reason to believe property has been plundered to a very considerable amount, and that it has been generally appropriated to private purposes. We are fearful that Green will find no difficulty in levying auxiliaries in the titular State of Frankland, and the settlements on Cumberland; in the mean time, attempts are daily practiced to augment the banditti at Post Vincennes, by delusive promises of lands, bounty, and clothing, from the officers appointed by General Clark.

“We beg leave to suggest to the serious consideration of your excellency, the necessity of carrying into effect the treaty proposed in April; for we fear that the savages, when assembled, if they are not amused by a treaty, or kept in awe by a military force at Post Vincennes, will form combinations among themselves, hostile to this country; and before they disperse, may turn their arms against our scattered settlements in such force as to overwhelm them. To the superior wisdom and the paternal care of the heads of the commonwealth, we take the liberty of submitting the matters herein mentioned, in full

confidence that every necessary measure will be immediately adopted; and have the honor to be, with every sentiment of respect, your excellency's most obedient.

[Signed,]

T. MARSHALL,	CALEB WALLACE,	CHARLES EWING,
GEORGE MUTER,	JOHN CRAIG,	JOHN LOGAN,
HARRY INNES,	CHRIS. GREENUP,	JOHN EDWARDS,
EDMUND LYNE,	JAMES GARRARD,	RICHARD TAYLOR,
RICH. C. ANDERSON,	JAMES WILKINSON,	J. BROWN."

At Danville, a committee was appointed to wait on General Clark, "and receive from him such information as he thought proper to make respecting the establishment of the corps at Post Vincennes, of the seizure of Spanish property made at that place, and such other matters as they might think necessary." Here follows the report of the committee:

"They find by inquiry, from General Clark, and sundry papers submitted by him to their inspection, that a board of field-officers, composed from the corps employed on the late Wabash expedition, did, in council held at Post Vincennes, the 8th of October, 1786, unanimously agree that a garrison at that place would be of essential service to the district of Kentucky, and that supplies might be had in the district more than sufficient for their support, by impressment or otherwise, under the direction of a commissary, to be appointed for this purpose, pursuant to the authority vested in the field-officers of the district by the executive of Virginia. The same board appointed Mr. John Craig, jr., a commissary of purchase; and resolved that one field-officer and two hundred and fifty men, exclusive of the company of artillery to be commanded by Captain Valentine Thomas Dalton, be recruited to garrison Post Vincennes. That Colonel John Holder be appointed to command the troops in this service.

"In consequence of these measures, it appears to your committee that a body of men have been enlisted, and are now recruiting for one year; that General Clark hath taken the supreme direction of the corps, but by what authority doth not appear; and that the corps hath been further officered by appointments made by General Clark, who acknowledges that the seizure of the Spanish property was made by his order for

the sole purpose of clothing and subsisting the troops; and that the goods seized were appropriated in this way. That John Rice Jones, who acts as commissary to the garrison, had passed receipts for the articles taken. The general alleges that the troops were raised for the security of the district; that he considers them subject to the direction of this committee, who may discharge them if they think proper, but conceives this measure may prevent the proposed treaty, and involve this country in a bloody war. He denies any intention of depredating on the Spanish possessions or property at the Illinois; and declares that he never saw the intercepted letter from Thomas Green. That he understood Green's object was to establish a settlement at or near the Gaso river, under the authority of the State of Georgia; that his view was, by encouraging the settlement, to obtain a small grant of land; and that he had no idea of molesting the Spaniards, or of attending Green in person. He informed the committee that the garrison now at Post Vincennes is about one hundred strong, and that the merchants at the Illinois had determined to support it, for which purpose they had sent for the commissary, Jones, to receive provisions. That Major Bosseron was sent to the Illinois to advise the settlers there of certain seizures made at Natchez, of American property, by the Spanish commandant, and to recommend it to them to conciliate the minds of the Indians, and be prepared to retaliate any outrage the Spaniards might commit on their property; but by no means to commence hostilities.

“THOMAS TODD, CLERK COMMITTEE.”*

The most important particulars of the principal seizure of Spanish property at Post Vincennes, are detailed in the deposition which follows:

“The deposition of Daniel Neeves, being first sworn on the Holy Evangelists of Almighty God, deposeth and saith, That he, this deponent, was enlisted by a Captain Thomas Mason, as a soldier in the Wabash regiment; that he was summoned as one of a guard by a Captain Valentine T. Dalton, and was by him marched to a store; and he the said Dalton by an in-

*Secret Journal of Congress, iv, 311.

terpreter demanded of a Spanish merchant to admit him the said Dalton into his cellar. The Spaniard asked what he wanted. The said Dalton answered, he was sent by the commanding officer to search his cellar. It being at a late hour of the night, the Spaniard lighted a candle and opened his doors, and went and opened his cellar door. The said Dalton with several others entered the cellar; after some time he came out, and placed this deponent as a guard over the cellar, and took the rest of the guard to another store. That the succeeding day the said Dalton came with a number of others and plundered the cellar of a large quantity of peltry, wine, taffy, honey, tea, coffee, sugar, cordial, French brandy, and sundry other articles, together with a quantity of dry goods, the particular articles this deponent doth not at present recollect; that part of the goods was made use of to clothe the troops, the remainder with the other articles was set up at public auction and sold; that the sale was conducted by a certain John Rice Jones, who marched in the militia commanded by General Clark as a commissary general. And further this deponent saith that he obtained a furlough, dated the 24th day of November, 1786, signed Valentine Thomas Dalton, captain commandant Wabash regiment, of which the following is a copy: 'Daniel Neeves, a soldier in the Wabash regiment, has liberty to go on a furlough for two months from the date hereof; at the expiration he is to return to his duty, otherwise looked upon as a deserter. November 24, 1786. Valentine Thos. Dalton, captain commandant Wabash regiment. To all whom it may concern.' And further this deponent saith not. DANIEL NEEVES."

"The above deposition was sworn to before me this 20th day of December, 1786.

CHRISTOPHER GREENUP.*

This deposition and the foregoing letters which refer to the proceedings of General Clark at Post Vincennes, and to the opinions of some of the western settlers on the subject of the navigation of the Mississippi, were despatched from Danville to the Governor of Virginia. Here follows an act of the Council of Virginia, of the 28th of February, 1787.

*Sec. Jour. Congress, iv. 309.

IN COUNCIL, February 28th, 1787.

“The Board having resumed the consideration of several letters bearing date the 22d day of December, 1786, and addressed to the governor from Danville, by Thomas Marshall and others, which said letters with the enclosures had been laid before them on Saturday last.

“The Board lament those despatches, pregnant as they are with subjects deeply interesting to our national character and quiet, and intended for the last Assembly, should for the first time, on the fifth day of this instant, have been handed to the governor in Williamsburg, on his late journey to Norfolk on public business. From the respectability of the names subscribed to those letters they confide in the following facts:

“1.—That the prosecution of the Treaty proposed to be held with the Indians, under the authority of Congress, will tend to the safety of our western settlements.

“2.—That the success of the Treaty would be forwarded by the appointment of some commissioners at least who are resident in the parts of the country likely to be exposed to the incursions of the savages.

“3.—That General Clark has been and perhaps is now employed in levying recruits, in nominating officers, and in impressing provisions for the support of the post at Post Vincennes; and

“4.—That General Clark hath made a seizure of Spanish property without any authority for such an act.

“The Board therefore advise,

“1.—That copies of the letters aforesaid and their enclosures be forthwith transmitted to our delegates in Congress with an earnest request to communicate them, in whole or in part, according to their discretion, immediately to that body, to urge the speediest arrangements for a treaty to be holden with the Indians in April next, under the sanction of the federal government; and to propose as commissioners, General James Wilkinson, Colonel Richard Clough Anderson, and Colonel Isaac Shelby.

“2.—That it be notified to General Clark, that this Board disavow the existence of a power derived from them to the said Clark to raise recruits, appoint officers, or impress provisions.

"3.—That as the seizure of Spanish property was never authenticated to this board before the receipt of the said letters, so had it been known at a period sufficiently early for prevention, it would have been prevented. But that this offense against the law of nations having been committed, it becomes the executive to declare their displeasure at the act, and to cause the national honor to be vindicated by the institution of legal proceedings against all persons appearing to be culpable. That the attorney general be consulted on the documents aforesaid, and requested to take himself, or call upon the attorney general of Kentucky, as the case may require, to take such steps as may subject to punishment all persons guilty in the premises. That the said seizure of Spanish property be disclaimed by government in a special proclamation. That a copy of this order be also sent to our delegates, [in Congress,] in order that they may, if it shall seem expedient, acquaint the minister of his catholic majesty with these sentiments of the executive. And that another copy be forwarded to Thomas Marshall, esquire, and the other gentlemen who concurred in the letter aforesaid. All which several matters so advised, the governor orders accordingly."

By a resolution of Congress, of the 24th of April, 1787, the secretary of war was directed to order the commanding officer of the troops of the United States on the Ohio to take immediate and efficient measures "for dispossessing a body of men who had, in a lawless and unauthorized manner, taken possession of Post Vincennes in defiance of the proclamation and authority of the United States."* The correction of the erroneous reports concerning a supposed treaty between the United States and Spain, the timely measures which were adopted by some of the most distinguished citizens of Kentucky, the prompt action of the government of Virginia, and the resolution of Congress of the 24th of April, 1787, operating successively on the minds of the western settlers, fortunately prevented the breaking out of a war in which Spain and France, bound together by a family compact, would have been opposed to the United States.

On the 13th of July, 1787, Congress passed an ordinance for

* Old Journals, iv. 740.

the government of the territory of the United States northwest of the river Ohio.* In the same legislative body, on the 21st of July, 1787, the following resolution was adopted :

“Resolved, That the superintendent of Indian affairs for the northern department, and in case he be unable to attend, then Colonel Josiah Harmar, immediately proceed to Post Vincennes, or some other place more convenient, in his opinion, for holding a treaty with the Wabash Indians, the Shawanees, and other hostile tribes; that he inform those Indians that Congress is sincerely disposed to promote peace and friendship between their citizens and the Indians; that to this end he is sent to invite them, in a friendly manner, to a treaty with the United States, to hear their complaints, to know the truth, and the causes of their quarrels with those frontier settlers;† and having invited those Indians to the treaty, he shall make strict inquiry into the causes of their uneasiness and hostile proceedings, and form a treaty of peace with them, if it can be done on terms consistent with the honor and dignity of the United States.”

In Congress, on the 3d of October, 1787, the following resolution was passed:

“Whereas, the time for which the greater part of the troops on the frontiers are engaged, will expire in the course of the ensuing year—

“Resolved, That the interests of the United States require that a corps of seven hundred troops should be stationed on the frontiers to protect the settlers on the public lands from the depredations of the Indians, to facilitate the surveying and selling the said lands, in order to reduce the public debt, and to prevent all unwarrantable intrusions thereon.”

On the 14th of November, 1787, the secretary of war directed General Harmar,‡ the commanding officer of the troops stationed on the borders of the Ohio, to endeavor to ascertain

* See Appendix D.

† “In my opinion our Indian affairs have been ill managed. Indians have been murdered by our people in cold blood, and no satisfaction given; nor are they (the Indians) pleased with the avidity with which we seek to acquire their lands.”—LETTER DATED DEC. 14, 1786, FROM JOHN JAY TO THOS. JEFFERSON.

‡ By an act of Congress of July 31, 1787, Colonel Josiah Harmar was promoted to the rank of Brigadier-general by brevet.

whether there was, at that time, any plan formed or forming among the western settlers for the invasion of the Spanish possessions. "In case," said the secretary to General Harmar, "you shall receive such information on the subject as to remove all doubt that such a design is on the point of execution, you will form your post of such strength, if in your power, as will be able by force to prevent the passage of the party. Previously to exerting actual force, you will represent, on behalf of the United States, to the persons conducting the enterprise, the criminality of their conduct and the obligation of the sovereign authority to prevent, at any hazard, such an audacious proceeding."

During the years 1787 and 1788, the commissioners of the United States did not succeed in their attempts to make a treaty with the hostile Indians who occupied the country on the northwestern side of the river Ohio. The hostile tribes insisted that the Ohio river should be the boundary between them and the United States. In the mean time, General Harmar strengthened the fort* at the mouth of the river Muskingum, reinforced a small garrison at the Falls of the Ohio, and secretly dispatched confidential agents to different parts of the country to ascertain the opinions of the western settlers on the subject of an invasion of the territories of Spain. Major John F. Hamtramck, of the United States army, was stationed at Post Vincennes as commandant of that place. Among the first proclamations of that officer, there was one, of the 3d of October, 1787, issued to prevent the sale of intoxicating liquors to Indians.

* Fort Harmar. The erection of this fort was commenced by a detachment of United States troops, under the command of Major John Doughty, in the fall of 1785.

CHAPTER XVIII.

SYMMES' PURCHASE.

BEFORE the deed of cession, of March 1st, 1784, the State of Virginia claimed the whole territory lying northwest of the river Ohio and west of the State of Pennsylvania, extending northwardly to the northern boundary of the United States, as defined by the treaty of 1783, and westwardly to the river Mississippi. The States of New York, Massachusetts, and Connecticut, also, by virtue of ancient royal charters, respectively claimed large territories lying north of the river Ohio and west and northwest of the western boundary of Pennsylvania. The claim of New York was, however, transferred to the United States, by a deed of cession, executed in Congress on the first day of March, 1781. The claim of the State of Massachusetts was assigned to the United States on the 19th day of April, 1785; and on the 13th day of September, 1786, the State of Connecticut transferred to the United States her claim to lands in the west, reserving a tract of about three millions of acres, bounded on the north by lake Erie, on the south by the forty-first degree of north latitude, and extending westwardly one hundred and twenty miles from the western boundary of Pennsylvania. This tract was called the Western Reserve of Connecticut. In the month of October, 1786, the legislature of that State ordered a part of the tract, lying east of the river Cuyahoga, to be surveyed, and opened an office for the sale of the lands. In 1792, a tract containing about five hundred thousand acres of land, lying in the western part of the reservation, was granted by Connecticut to certain citizens of that State as a compensation for property burned and destroyed in the towns of New London, New Haven, Fairfield, and Norwalk, by the British troops in the course of the Revolutionary war. The tract thus granted was called the Fire Lands. On the 30th of May, 1800, the jurisdictional claims of the State of Connecticut to all the territory called the Western Reserve of Connecticut was surrendered to the United States.

On the 23d of July, 1787, Congress adopted the following order, to wit: "That the board of treasury be authorized and empowered to contract with any person or persons for a grant of a tract of land which shall be bounded by the Ohio from the mouth of Scioto to the intersection of the western boundary of the seventh range of townships now surveying;* thence, by the said boundary, to the northern boundary of the tenth township from the Ohio; thence, by a due west line, to Scioto; thence, by the Scioto, to the beginning, upon the following terms, to wit: The tract to be surveyed and its contents ascertained by the geographer, or some other officer of the United States, who shall plainly mark the said east and west line, and shall render one complete plat to the board of treasury, and another to the purchaser or purchasers. The purchaser or purchasers, within seven years from the completion of this work, to lay off the whole tract, at their own expense, into townships and fractional parts of townships, and to divide the same into lots, according to the land ordinance of the 20th of May, 1785—complete returns whereof to be made to the treasury board. The lot No. 16, in each township or fractional part of a township, to be given perpetually for the purposes contained in the said ordinance. The lot No. 29, in each township or fractional part of a township, to be given perpetually for the purposes of religion. The lots No. 8, 11, and 26, in each township or fractional part of a township, to be reserved for the future disposition of Congress. Not more than two complete townships to be given perpetually for the purposes of a university, to be laid off by the purchaser or purchasers, as near the center as may be, so that the same shall be of good land, to be applied to the intended object by the legislature of the State. The price to be not less than one dollar per acre for the contents of the said tract, excepting the reservations and gifts aforesaid, payable in specie, loan-office certificates reduced to specie value, or certificates of liquidated debts of the United States, liable to a reduction by an allowance for bad land, and all incidental charges and circumstances whatever; *Provided*, that such allowance shall not exceed, in the whole, one-third of a dollar per acre. * * * Such of the

* See Ordinance of 20th May, 1785.

purchasers as may possess rights for bounties of land to the late army, to be permitted to render the same in discharge of the contract, acre for acre; *Provided*, that the aggregate of such rights shall not exceed one-seventh part of the land to be paid for; and *provided*, also, that there shall be no future claim against the United States on account of the said rights. Not less than five hundred thousand dollars of the purchase-money to be paid down upon closing the contract, and the remainder upon the completion of the work to be performed by the geographer or other officer on the part of the United States. Good and sufficient security to be given by the purchaser or purchasers for the completion of the contract on his or their part. The grant to be made on the full payment of the consideration-money, and a right of entry and occupaney to be acquired immediately for so much of the tract as shall be agreed upon between the board of treasury and the purchasers."*

On the 26th of July, 1787, Manasseh Cutler and Winthrop Sargent, acting as the agents of a company called the "Ohio Company of Associates,"† addressed the following letter to the board of treasury of the United States:

"NEW YORK, July 26, 1787.

"Gentlemen:—We observe, by the act of the 23d instant, that your honorable board is authorized to enter into a contract for the sale of a tract of land therein described, on certain conditions expressed in the act. As we suppose this measure has been adopted in consequence of proposals made by us, in behalf of ourselves and associates, to a committee of Congress, we beg leave to inform you that we are ready to enter into a contract for the purchase of the lands described in the act; provided you can conceive yourselves authorized to admit of the following conditions, which, in some degree, vary from the report of the committee, viz:

* Old Journals of Congress, 23d July, 1787.

† The "Ohio Company of Associates" was organized at Boston, and was composed chiefly of Revolutionary officers and soldiers.—Vide NORTH AMERICAN REVIEW, vol. liii, p. 323.

“The subordinate surveys shall be completed as mentioned in the act, unless the frequency of Indian irruptions may render the same impracticable, without a heavy expense to the company.

“The mode of payment we propose, is half a million of dollars when the contract is executed; another half million when the tract as described is surveyed by the proper officer of the United States; and the remainder in six equal payments, computed from the date of the second payment.

“The lands assigned for the establishment of a university to be as nearly as possible in the center of the first million and a half of acres we shall pay for; for to fix it in the center of the proposed purchase, might too long defer the establishment.

“When the second payment is made, the purchasers shall receive a deed for as great a quantity of land as a million of dollars will pay for, at the price agreed on; after which we will agree not to receive any further deeds for any of the lands purchased, only at such periods, and on such conditions, as may be agreed on betwixt the board and the purchasers.

“As to the security, which the act says shall be good and sufficient, we are unable to determine what those terms may mean in the contemplation of Congress, or of your honorable board. We shall, therefore, only observe that our private fortunes, and that of most of our associates, being embarked in the support of the purchase, it is not possible for us to offer any adequate security but that of the land itself, as is usual in great land purchases.

“We will agree so to regulate the contracts, that we shall never be entitled to a right of entry or occupancy, but on the lands actually paid for, nor receive any deeds till our payments amount to a million of dollars, and then only in proportion to such payment. The advance we shall always be under without any formal deed, together with the improvements made on the lands, will, we presume, be ample security, even if it was not the interest as well as the disposition of the company to lay the foundation of their establishment on a sacred regard to the rights of property. If these terms are admitted, we shall be ready to conclude the contract.

"We have the honor to be, with the greatest respect, for ourselves and associates, gentlemen, your obedient and humble servants,

MANASSEH CUTLER,
WINTHROP SARGENT."*

On the 27th of October, 1787, Manasseh Cutler and Winthrop Sargent, as agents for the "Ohio Company of Associates," entered into a contract with the board of treasury for the purchase of one million five hundred thousand† acres of land, lying within the bounds of the tract which was offered for sale by the act of Congress, of the 23d July, 1787; and, on the same day (27th October), Messrs. Cutler and Sargent contracted with the board of treasury for the remainder of the tract. On the 29th of October, 1787, articles of agreement were made between Manasseh Cutler and Winthrop Sargent, and their associates, of the one part, and William Duer and his associates, of the other part, for one half of the second purchase, which half was assigned to Duer and his associates, who agreed to interest Cutler, Sargent, and their associates, in the profits of the sale of the lands in Europe or elsewhere; and Duer was authorized to make such sale, and to employ an agent for that purpose. In consequence of this agreement, Joel Barlow was sent to Europe, as the agent of the contracting parties, to sell the lands; and, for the purpose of aiding the sale, a company was formed, under the name of the Scioto Company, to whom the lands were conveyed. Mr. Barlow, and the agent of this company, conjointly, disposed of a considerable quantity of the lands to companies and individuals in France. A small number of the purchasers emigrated from France to the United States, in the year 1790, and founded, on the northwestern side of the river Ohio, a French settlement, which they called Gallipolis.‡

*Old Journals of Congress, 26th July, 1787.

† The quantity was afterward reduced, by consent of the parties, to 964,285 acres, and the lands were conveyed, by letters patent, under the seal of the United States, to Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Green, in trust for the persons composing the "Ohio Company of Associates."

‡ American State Papers, Public Lands, vol. i, 24.—Laws of the United States, i, 456, 492; ii, 276.

On the 7th of April, 1788, eight families, under the direction of General Rufus Putnam (who was one of the "Ohio Company of Associates"), arrived at the mouth of the river Muskingum, where they made a settlement, and laid the foundation of the town of Marietta.

On the 29th of August, 1787, before the first contract was fully made between the board of treasury of the United States and the "Ohio Company of Associates," John Cleves Symmes addressed the following petition to the President of Congress:

"NEW YORK, 29th August, 1787.

"To His Excellency, the President of Congress, the petition of John Cleves Symmes, of New Jersey, sheweth:

"That your petitioner, encouraged by the resolutions of Congress, of the 23d and 27th of July last, stipulating the condition of a transfer of federal lands on the Scioto and Muskingum rivers, unto Winthrop Sargent and Manasseh Cutler, esquires, and their associates, of New England, is induced, on behalf of the citizens of the United States, westward of Connecticut, who also wish to become purchasers of federal lands, to pray that the honorable the Congress will be pleased to direct that a contract be made by the honorable the Commissioners of the treasury board, with your petitioner, for himself and his associates, in all respects similar in form and matter to the said grant made to Messrs. Sargent and Cutler, differing only in quantity, and place where, and that instead of two townships for the use of a university, that only one be assigned for the benefit of an academy.

"That by such transfer to your petitioner and his associates, on their complying with the terms of sale, the fee may pass of all the lands lying within the following limits, viz: Beginning at the mouth of the Great Miami river; thence running up the Ohio, to the mouth of the Little Miami river; thence up the main stream of the Little Miami river, to the place where a due west line, to be continued from the western termination of the northern boundary line of the grant to Messrs. Sargent, Cutler & Co., shall intersect the said Little Miami river; thence due west, continuing the said western line, to the place where the said line shall intersect the main branch or stream of the Great Miami river; thence down the Great Miami, to the place of beginning.

JOHN C. SYMMES."

The foregoing letter was referred to the Board of Treasury on the 2d of October, 1787; and on the 15th of October, 1788, a contract was made between the board and Symmes and his associates, for the sale of a tract of land of one million of acres. In the contract the boundaries of Symmes' purchase were defined as follows:—"Beginning on the bank of the river Ohio at a spot exactly twenty miles distant along the several courses of the same from the place where the Great Miami empties itself into the said river Ohio; from thence, extending down the said river Ohio, along the several courses thereof, to the Great Miami river; thence, up the said river Miami, along the several courses thereof, to a place whence a line drawn due east will intersect a line drawn from the place of beginning aforesaid, parallel with the general course of the Great Miami river, so as to include one million of acres within those lines and the said rivers; and from that place, up the said Great Miami river, extending along such lines, to the place of beginning, containing, as aforesaid, one million of acres."

By an act of Congress, of the 12th of April, 1792, the President of the United States was authorized, at the request of John Cleves Symmes, to alter the first contract between the board of treasury and the said Symmes and his associates, so that the tract of land described in that contract might extend "from the mouth of the Great Miami to the mouth of the Little Miami, and be bounded by the river Ohio on the south, by the Great Miami on the west, by the Little Miami on the east, and by a parallel of latitude on the north, extending from the Great Miami to the Little Miami, so as to comprehend the proposed quantity of one million of acres: *Provided*, that the northern limits of the said tract shall not interfere with the boundary line established by the treaty of Fort Harmar,* between the United States and the Indian nations." The quantity of one million of acres could not be included within the bounds prescribed by this act; and Mr. Symmes and his associates, having encountered several unexpected and insurmountable obstacles, could not fulfill their contract with the board of treasury. The original purchase of one million of acres was therefore reduced to a tract of land bounded on the

*See Appendix E.

south by the river Ohio, on the west by the Great Miami river, on the east by the Little Miami river, and on the north by a parallel of latitude to be run from the Great Miami to the Little Miami so as to comprehend the quantity of three hundred and eleven thousand six hundred and eighty-two acres. For this tract of land letters patent, under the seal of the United States, were granted to Mr. Symmes and his associates, on the 30th of September; 1794.* The settlement of Symmes' purchase was commenced in 1789; in the course of which year Fort Washington was erected by a detachment of troops under the command of Major John Doughty, on a portion of the ground which is now the site of Cincinnati; and a few families settled on the rich bottom lands just below the mouth of the Little Miami river, where they laid the foundation of the town of Columbia. Sometime in the same year, a town, which was called Losantiville, was laid off on the lands adjoining Fort Washington.

CHAPTER XIX.

NORTHWESTERN TERRITORY ORGANIZED.

ON the 5th of October, 1787, Major-general Arthur St. Clair was elected, by Congress, governor of the territory of the United States northwest of the river Ohio. St. Clair was a native of Scotland, from which country he came to the British colonies of North America, in 1755. He joined the Royal American or 60th British regiment, and served under General Amherst at the taking of Louisbourg, in 1758. He carried a standard at the storming and capture of Quebec by the troops under General Wolfe, in 1759. Soon after the peace of 1763, he settled in Ligonier valley, in the western part of the province

*American State Papers, Public Lands, vol. i, 93, 115.—Laws U. S., vol. i, 457, 494, 495, 497;—vol. ii, 270, 287;—vol. iii, 264, 428, 502, 541, 554.

of Pennsylvania, where he continued to reside until the commencement of the Revolutionary war, when, having received from Congress a commission of colonel, he joined the American army with a regiment of seven hundred and fifty men. Having been promoted to the rank of major-general, he was tried by a court martial, in 1778, for evacuating Ticonderoga* and Mount Independence. He was, however, unanimously acquitted, with the highest honor, of all the charges which were brought against him; and from this time, holding the rank of a major-general, he continued to act in the service of the United States until the close of the war. In a letter to the honorable William B. Giles, of Virginia, St. Clair wrote as follows:

“In the year 1786 I entered into the public service in civil life, and was a member of Congress, and president of that body, when it was determined to erect a government in the country to the west, that had been ceded by Virginia to the United States; and, in the year 1788, the office of governor was in a great measure forced on me. The losses I had sustained in the Revolutionary war, from the depreciation of the money, and other causes, had been very great; and my friends saw, in this new government, means that might be in my power to compensate myself, and to provide handsomely for my numerous family. They did not know how little I was qualified to avail myself of those advantages, if they had existed. I had neither taste nor genius for speculation in land: neither did I think it very consistent with the office.”

By the first instructions which governor St. Clair received from Congress, in 1788, he was authorized and directed, Firstly: To examine carefully into the real temper of the Indians. Secondly: To remove, if possible, all causes of controversy, so that peace and harmony might be established between the United States and the Indian tribes. Thirdly: To regulate trade among the Indians. Fourthly: To neglect no opportunity that might

*On the evacuation of Ticonderoga, St. Clair said to Major James Wilkinson, “I know I could save my character by sacrificing the army; but were I to do so, I should forfeit that which the world could not restore, and which it can not take away—the approbation of my own conscience.”—WILKINSON'S MEMOIRS, I, 85.

offer, of extinguishing the Indian rights to lands westward as far as the river Mississippi, and northward as far as the completion of the forty-first degree of north latitude. Fifthly: To use every possible endeavor to ascertain the names of the real head men and warriors of the several tribes, and to attach these men to the United States by every possible means. Sixthly: To make every exertion to defeat all confederations and combinations among the tribes, and to conciliate the white people inhabiting the frontiers toward the Indians.* In the month of July, 1788, Governor St. Clair arrived at the new town of Marietta, at the mouth of the river Muskingum, where he began to organize the government of the Northwestern Territory, according to the provisions of the ordinance of 1787. At Marietta, in the county of Washington, before the close of the year 1788, the governor and the judges of the general court of the territory, (Samuel Holden Parsons, James Mitchell Varnum, and John Cleves Symmes,) adopted and published various laws, under the following titles, viz:

I.—A law for reguliating and establishing the militia in the territory of the United States northwest of the river Ohio.

II.—A law for establishing general courts of quarter sessions of the peace, (and therein of the powers of single justices,) and for establishing county courts of common pleas, (and therein of the power of single judges to hear and determine upon small debts and contracts,) and also a law for establishing the office of sheriff, and for the appointment of sheriffs:—Published on the 23d of August.

III.—A law establishing a court of probate:—Published on the 30th of August.

IV.—A law for fixing the terms of the general court of the territory of the United States northwest of the river Ohio:—Published on the 30th of August.

This law was in the words following:—"The general court for the territory of the United States northwest of the river Ohio, shall hold pleas, civil and criminal, at four certain periods or terms in each and every year in such counties as the judges shall from time to time deem most conducive to the general

*Secret Journals of Congress, i, 277.

good; they giving timely notice of the place of their sitting: that is to say, upon the first Monday of February, May, October, and December. *Provided*, however, that but one term be holden in any one county in a year; and that all processes, civil and criminal, shall be returnable to said court wheresoever they may be in said territory. And as circumstances may so intervene as to prevent a session of the court at the time and place fixed upon, it shall and may be lawful for the court, to adjourn from time to time, by writ directed to the sheriff of the county; and to continue all process accordingly: And in case neither of the judges shall attend at the time and place aforesaid, and no writ be received by the sheriff, it shall be his duty to adjourn the court from day to day during the first six days of the term; and then to the next term; to which all processes shall be continued as aforesaid. *Provided*, however, that all issues in fact shall be tried in the county where the cause of action shall have arisen."

V.—A law respecting oaths of office:—Published on the 2d of September.

VI.—A law respecting crimes and punishments:—Published on the 6th of September. By this statute, the crimes of treason, murder, and house-burning, (in cases where death ensued from such burning,) were respectively punishable by death. The crimes of burglary and robbery were each punishable by whipping, (not exceeding thirty-nine stripes,) fine, and imprisonment for any term not exceeding forty years. For the crime of perjury the offender was punishable by a fine not exceeding sixty dollars, or whipping, not exceeding thirty-nine lashes, and disfranchisement, and standing in the pillory for a space of time not exceeding two hours. Larceny was punishable by fine or whipping, at the discretion of the court. If the convict could not pay the fine of the court, it was lawful for the sheriff, by the direction of the court, to bind such convict to labor for a term not exceeding seven years, to any suitable person who would pay such fine. Forgery was punishable by fine, disfranchisement, and standing in the pillory for a space of time not exceeding three hours. The following sections are copied from the statute respecting crimes and punishments:

"If any person shall be convicted of drunkenness before one or more justices of the peace, the person so convicted shall be

fined, for the first offense, in the sum of five dimes, and for every succeeding offense, and upon conviction, in the sum of one dollar; and in either case, upon the offender neglecting or refusing to pay the fine, he shall be set in the stocks for the space of one hour. *Provided*, however, that complaint be made to the justice or justices within two days next after the offense shall have been committed."

"Whereas, idle, vain and obscene conversation, profane cursing and swearing, and more especially the irreverently mentioning, calling upon, or invoking the Sacred and Supreme Being, by any of the divine characters in which he hath graciously condescended to reveal his infinitely beneficent purposes to mankind, are repugnant to every moral sentiment, subversive of every civil obligation, inconsistent with the ornaments of polished life, and abhorrent to the principles of the most benevolent religion. It is expected, therefore, if crimes of this kind should exist, they will not find encouragement, countenance, or approbation in this territory. It is strictly enjoined upon all officers and ministers of justice, upon parents and others, heads of families, and upon others of every description, that they abstain from practices so vile and irrational; and that by example and precept, to the utmost of their power, they prevent the necessity of adopting and publishing laws, with penalties, upon this head. And it is hereby declared that government will consider as unworthy its confidence all those who may obstinately violate these injunctions."

"Whereas mankind in every stage of informed society, has consecrated certain portions of time to the particular cultivation of the social virtues, and the public adoration and worship of the common Parent of the Universe: and whereas a practice so rational in itself and conformable to the divine precepts is greatly conducive to civilization as well as morality and piety: and whereas for the advancement of such important and interesting purposes, most of the Christian world have set apart the first day of the week, as a day of rest from common labors and pursuits; it is therefore enjoined that all servile labor, works of necessity and charity only excepted, be wholly abstained from on said day."

VII.—A law regulating marriages: The third section of this law was in the words following:—"Previously to persons

being joined in marriage as aforesaid, the intention of the parties shall be made known by publishing the same for the space of fifteen days at the least, either by the same being publicly and openly declared three several Sundays, holy days, or other days of public worship in the meeting in the towns where the parties respectively belong, or by publication in writing under the hand and seal of one of the judges before mentioned, or of a justice of the peace within the county, to be affixed in some public place in the town wherein the parties respectively dwell; or a license shall be obtained of the governor under his hand and seal, authorizing the marriage of the parties without publication, as is in this law before required."

VIII.—A law in addition to a law entitled "A law for regulating and establishing the militia in the territory of the United States northwest of the river Ohio."—Published on the 23d of November.

IX.—A law appointing coroners:—Published on the 21st of December.

X.—A law limiting the times of commencing civil actions and instituting criminal prosecutions:—Published on the 28th of December.

On the 9th day of January, 1789, at Fort Harmar, which stood at the mouth of the river Muskingum, Governor St. Clair made a treaty with a number of the sachems and warriors of the Six Nations,* and also a treaty with several different sachems and warriors of the Wyandot, Delaware, Ottawa, Chippewa, Pottawattamie, and Sac nation of Indians.† These latter nations, however, refused, for reasons which will appear in a subsequent chapter, to acknowledge the validity of the treaty of Fort Harmar; and, early in the spring of 1789, small roving parties of Indians began to commit depredations on defenseless white settlements along the western frontiers of Virginia and Kentucky. On the 15th of June, 1789, General Knox, secretary of war, made to the President of the United States a report relative to the Indians who resided in the territory northwest of the river Ohio. In this report the secretary said: "By information from Brigadier-general Harmar, the

* See Appendix E.

† See Appendix E.

commanding officer of the troops on the frontiers, it appears that several murders have been lately committed on the inhabitants, by small parties of Indians probably from the Wabash country. Some of the said murders having been perpetrated on the south side of the Ohio, the inhabitants on the waters of that river are exceedingly alarmed, for the extent of six or seven hundred miles along the same. It is to be observed that the United States have not formed any treaties with the Wabash Indians; on the contrary, since the conclusion of the war with Great Britain, hostilities have almost constantly existed between the people of Kentucky and the said Indians. The injuries and murders have been so reciprocal that it would be a point of critical investigation to know on which side they have been the greatest. Some of the inhabitants of Kentucky during the past year, roused by recent injuries, made an incursion into the Wabash country, and possessing an equal aversion to all bearing the name of Indians, they destroyed a number of peaceable Piankeshaws who prided themselves in their attachment to the United States. Things being thus circumstanced, it is greatly to be apprehended that hostilities may be so far extended as to involve the Indian tribes with whom the United States have recently made treaties. It is well known how strong the passion for war exists in the mind of a young savage, and how easily it may be inflamed, so as to disregard every precept of the older and wiser part of the tribes who may have a more just opinion of the force of a treaty. Hence, it results that unless some decisive measures are immediately adopted to terminate those mutual hostilities, they will probably become general among all the Indians northwest of the Ohio.

“In examining the question how the disturbances on the frontiers are to be quieted, two modes present themselves by which the object might perhaps be effected—the first of which is by raising an army and extirpating the refractory tribes entirely; or, secondly, by forming treaties of peace with them in which their rights and limits should be explicitly defined, and the treaties observed on the part of the United States with the most rigid justice, by punishing the whites who should violate the same.

“In considering the first mode, an inquiry would arise,

whether, under the existing circumstances of affairs, the United States have a clear right, consistently with the principles of justice and the laws of nature, to proceed to the destruction or expulsion of the savages on the Wabash, supposing the force for that object easily attainable. It is presumable that a nation solicitous of establishing its character on the broad basis of justice, would not only hesitate at but reject every proposition to benefit itself by the injury of any neighboring community, however contemptible and weak it may be, either with respect to its manners or power. When it shall be considered that the Indians derive their subsistence chiefly by hunting, and that, according to fixed principles, their population is in proportion to the facility with which they procure their food, it would most probably be found that the expulsion or destruction of the Indian tribes have nearly the same effect; for if they are removed from their usual hunting-grounds, they must necessarily encroach on the hunting-grounds of another tribe, who will not suffer the encroachment with impunity—hence they destroy each other. The Indians, being the prior occupants, possess the right of the soil. It can not be taken from them unless by their free consent, or by the right of conquest in case of a just war. To dispossess them on any other principle, would be a gross violation of the fundamental laws of nature, and of that distributive justice which is the glory of a nation. But if it should be decided, on an abstract view of the question, to be just to remove by force the Wabash Indians from the territory they occupy, the finances of the United States would not at present admit of the operation.

“By the best and latest information, it appears that on the Wabash and its communications, there are from fifteen hundred to two thousand warriors. An expedition against them, with a view of extirpating them, or destroying their towns, could not be undertaken, with a probability of success, with less than an army of two thousand five hundred men. The regular troops of the United States on the frontiers are less than six hundred:* of that number not more than four hun-

* Detachments of regular troops were stationed at Fort Pitt, Fort Harmar, Fort Washington, Fort Steuben, (at the Falls of the Ohio,) and at Post Vincennes.

dred could be collected from the posts for the purpose of the expedition. To raise, pay, feed, arm, and equip one thousand nine hundred additional men, with the necessary officers, for six months, and to provide every thing in the hospital and quartermaster's line, would require the sum of two hundred thousand dollars, a sum far exceeding the ability of the United States to advance, consistently with a due regard to other indispensable objects."

On the 26th of August, 1789, about two hundred mounted volunteers, under the command of Colonel John Hardin, marched from the Falls of the Ohio to attack some of the Indian towns on the Wabash. This expedition returned to the Falls on the 28th of September, without the loss of a man—having killed six Indians, plundered and burnt one deserted village, and destroyed a considerable quantity of corn.

On the 14th of September, 1789, Governor St. Clair addressed to President Washington a letter, from which the following is an extract: "The constant hostilities between the Indians who live upon the river Wabash and the people of Kentucky, must necessarily be attended with such embarrassing circumstances to the government of the northwestern territory, that I am induced to request you will be pleased to take the matter into consideration, and give me the orders you may think proper. It is not to be expected, sir, that the Kentucky people will or can submit patiently to the cruelties and depredations of those savages. They are in the habit of retaliation, perhaps *without attending precisely to the nations from which the injuries are received*. They will continue to retaliate, or they will apply to the governor of the northwestern territory (through which the Indians must pass to attack them) for redress. If he can not redress them, (and in the present circumstances he can not,) they also will march through that country to redress themselves, and the government will be laid prostrate. The United States, on the other hand, are at peace with several of the nations, and should the resentment of these people [the Kentuckians] fall upon any of them, which it is likely enough to happen, very bad consequences may follow. For it must appear to them [the Indians] that the United States either pay no regard to their treaties, or that they are unable or unwilling to carry their engagements into effect. * * * They will

unite with the hostile nations, prudently preferring open war to a delusive and uncertain peace."

By an act of Congress, of the 29th of September, 1789, the President of the United States was empowered to call forth the militia of the States respectively, for the protection of the frontiers against the incursions of hostile Indians; and, on the 6th of October, 1789, the President, in his official instructions to Governor St. Clair, said: "It is highly necessary that I should, as soon as possible, possess full information whether the Wabash and Illinois Indians are most inclined for war or peace. If for the former, it is proper that I should be informed of the means which will most probably induce them to peace. If a peace can be established with the said Indians on reasonable terms, the interests of the United States dictate that it should be effected as soon as possible. You will, therefore, inform the said Indians of the disposition of the general government on this subject, and of their reasonable desire that there should be a cessation of hostilities as a prelude to a treaty.

"If, however, notwithstanding your intimations to them, they should continue their hostilities, or meditate any incursion against the frontiers of Virginia and Pennsylvania, or against any of the troops or posts of the United States, and it should appear to you that the time of execution would be so near as to forbid your transmitting the information to me, and receiving my orders thereon, then you are hereby authorized and empowered, in my name, to call on the lieutenants of the nearest counties of Virginia and Pennsylvania for such detachments of militia as you may judge proper, not exceeding, however, one thousand from Virginia and five hundred from Pennsylvania. * * * The said militia to act in conjunction with the Federal troops in such operations, offensive or defensive, as you and the commanding officer of the troops, conjointly, shall judge necessary for the public service, and the protection of the inhabitants and the posts. The said militia, while in actual service, to be on the continental establishment of pay and rations; they are to arm and equip themselves, but to be furnished with public ammunition if necessary; and no charge for the pay of said militia will be valid unless sup-

ported by regular musters made by a field or other officer of the Federal troops.

"I would have it observed, forcibly, that a war with the Wabash Indians ought to be avoided by all means consistently with the security of the troops and the national dignity. In the exercise of the present indiscriminate hostilities, it is extremely difficult, if not impossible, to say that a war without further measures would be just on the part of the United States. But if, after manifesting clearly to the Indians the disposition of the general government for the preservation of peace and the extension of a just protection to the said Indians, they should continue their incursions, the United States will be constrained to punish them with severity.

"You will also proceed, as soon as you can, with safety, to execute the orders of the late Congress, respecting the inhabitants at Post Vincennes, and at the Kaskaskias, and the other villages on the Mississippi. It is a circumstance of some importance, that the said inhabitants should, as soon as possible, possess the lands to which they are entitled, by some known and fixed principles."

The last paragraph of the foregoing instructions was based upon the resolutions of Congress, of the 20th June and 29th August, 1788.* By these resolutions, provisions were made for confirming in their possessions and titles the French and Canadian inhabitants, and other settlers, about Kaskaskia and Post Vincennes, who, on or before the year 1783, had professed themselves citizens of the United States, or any of them. By the same resolutions, a tract of four hundred acres of land was donated to each head of a family of this description of settlers.

About the 1st of January, 1790, Governor St. Clair, with the judges of the supreme court of the territory, descended the river Ohio, from Marietta to Fort Washington, at Losantiville. At this place the governor laid out the county of Hamilton, appointed magistrates and other civil officers for the administration of justice in that county, and induced the proprietors of the little village to change its name from Losanti-

*Old Journals, vol. iv, 823-858.

ville to Cincinnati. On the 8th of January, 1790, St. Clair and Winthrop Sargent, secretary of the territory, arrived at Clarksville, whence they proceeded to the Illinois country, to organize the government in that quarter, and to carry into effect the resolutions of Congress relative to the lands and settlers about Kaskaskia and Post Vincennes. Before the governor left Clarksville, however, he sent to Major Hamtramck, the commanding officer at Post Vincennes, dispatches containing speeches which were addressed to the Indian tribes on the Wabash. Among the dispatches, there was also a letter (dated "Fort Steuben, Jan. 23, 1790") which contained the following instructions:

"It is with great pain that I have heard of the scarcity of corn which reigns in the settlements about the Post [Vincennes]. I hope it has been exaggerated; but it is represented to me that, unless a supply of that article can be sent forward, the people must actually starve. Corn can be had here in any quantity; but can the people pay for it? I entreat you to inquire into that matter, and if you find they can not do without it, write to the contractor's agent here, to whom I will give orders to send forward such quantity as you may find to be absolutely necessary. They must pay for what they can of it; but they must not be suffered to perish; and though I have no direct authority from the government for this purpose, I must take it upon myself."

Governor St. Clair, on his arrival at Kaskaskia, early in the year 1790, laid out the county of St. Clair, appointed magistrates, and other civil officers, and, by a proclamation issued in March, directed the inhabitants to exhibit to him their titles and claims to the lands which they held, in order that they might be confirmed in their possessions. A considerable number of claims and title-deeds were accordingly exhibited, examined, and decided upon; and orders of survey for such as were found authentic were issued, which was necessary to be done before patents of confirmation could be made out.* The governor, in a report which he made to the secretary of state, in 1790, said:—"Orders of survey were issued for all the claims at Kaskaskia, that appeared to be

*Report of Governor St. Clair, 1790.

founded agreeably to the resolutions of Congress; and surveys were made of the greater part of them. A part only of those surveys, however, have been returned, because the people objected to paying the surveyor, and it is too true that they are ill able to pay.

“The Illinois country, as well as that upon the Wabash, has been involved in great distress ever since it fell under the American dominion. With great cheerfulness the people furnished the troops under General [George Rogers] Clark, and the Illinois regiment, with every thing they could spare, and often with much more than they could spare with any convenience to themselves. Most of the certificates for these supplies are still in their hands, unliquidated and unpaid; and in many instances where application has been made for payment to the State of Virginia, under whose authority the certificates were granted, it has been refused. The Illinois regiment being disbanded, a set of men, pretending the authority of Virginia, embodied themselves, and a scene of general depredation and plunder ensued. To this succeeded three successive and extraordinary inundations from the Mississippi, which either swept away their crops, or prevented their being planted. The loss of the greatest part of their trade with the Indians, which was a great resource, came upon them at this juncture, as well as the hostile incursions of some of the tribes which had ever before been in friendship with them; and to these was added the loss of their whole last crop of corn by an untimely frost. Extreme misery could not fail to be the consequence of such accumulated misfortunes.”

At this period, the miserable condition of the French inhabitants about Kaskaskia and Cahokia, was pathetically described in a memorial, which was dated “St. Clair county, June 9th, 1790,” addressed “To his excellency, Arthur St. Clair, governor and commander-in-chief of the territory of the United States northwest of the river Ohio,” and signed by “P. Gibault, priest,”* and eighty-seven others. The following is an extract from the memorial:

* The same ecclesiastic who, in 1778, visited Post Vincennes in the capacity of a messenger from General Clark, and as a devoted friend of the United States.

“The memorial humbly sheweth, that by an act of Congress of June 20th, 1788, it was declared that the lands heretofore possessed by the said inhabitants should be surveyed at their expense; and that this clause appears to them neither necessary, nor adapted to quiet the minds of the people. It does not appear necessary, because from the establishment of the colony to this day, they have enjoyed their property and possessions without disputes or lawsuits on the subject of their limits; that the surveys of them were made at the time the concessions were obtained from their ancient kings, lords, and commandants; and that each of them knew what belonged to him without attempting an encroachment on his neighbor, or fearing that his neighbor would encroach on him. It does not appear adapted to pacify them; because, instead of assuring to them the peaceable possession of their ancient inheritances, as they have enjoyed it till now, that clause obliges them to bear expenses which, in their present situation, they are absolutely incapable of paying, and for the failure of which they must be deprived of their lands.

“Your excellency is an eye-witness of the poverty to which the inhabitants are reduced, and of the total want of provisions to subsist on. *Not knowing where to find a morsel of bread to nourish their families*, by what means can they support the expense of a survey which has not been sought for on their parts, and for which, it is conceived by them, there is no necessity? *Loaded with misery, and groaning under the weight of misfortunes, accumulated since the Virginia troops entered their country*, the unhappy inhabitants throw themselves under the protection of your excellency, and take the liberty to solicit you to lay their deplorable situation before Congress; and as it may be interesting for the United States to know exactly the extent and limits of their ancient possessions, in order to ascertain the lands which are yet at the disposal of Congress, it appears to them, in their humble opinion, that the expense of the survey ought more properly to be borne by Congress, for whom alone it is useful, than by them who do not feel the necessity of it. Beside, this is no object for the United States; but it is great, too great, for a few unhappy beings, who, *your excellency sees yourself, are scarcely able to support their pitiful existence.*”

CHAPTER XX.

WABASH INDIANS.

ON the 5th of April, 1790, by order of Major Hamtramck, Antoine Gamelin started from Post Vincennes with the speeches addressed by Governor St. Clair to the Wabash Indians. Mr. Gamelin delivered the speeches at all the principal Indian villages lying near to the borders of the river Wabash, and as far eastward as the Miami village of Ke-ki-ong-gay, which stood at the junction of the rivers St. Joseph and St. Mary's, about the site which is now occupied by the town of Fort Wayne. An extract from the journal* of the messenger, Gamelin, will serve, in part, to show the feelings with which the Indians regarded the overtures of peace that were made to them by Governor St. Clair.

“The first village I arrived to, [says Mr. Gamelin,] is called Kikapouguoi. The name of the chief of this village is called Les Jambes Croches. Him and his tribe have a good heart, and accepted the speech. The second village is at the river du Vermillion, called Piankeshaws. The first chief, and all the warriors, were well pleased with the speeches concerning the peace: but they said they could not give presently a proper answer, before they consult the Miami nation, their eldest brethren. They desired me to proceed to the Miami town, [Ke-ki-ong-gay,] and, by coming back, to let them know what reception I got from them. The said head chief told me that he thought the nations of the lake had a bad heart, and were ill disposed for the Americans: that the speeches would not be received, particularly by the Shawanees at Miamitown. * * The 11th of April, I reached a tribe of Kickapoos. The head chief and all the warriors being assembled, I gave them two branches of white wampum, with the speeches of his excel-

*On the 17th of May, 1790, before Major Hamtramck, at Post Vincennes, Mr. Gamelin, being put on his oath, swore that the statements contained in his journal were true.

lency Arthur St. Clair, and those of Major Hamtramck. It must be observed that the speeches have been in another hand before me. The messenger could not proceed further than the Vermillion, on account of some private wrangling between the interpreter and some chief men of the tribe. Moreover, some thing in the speech displeased them very much, which is included in the third article, which says, '*I do now make you the offer of peace: accept it, or reject it, as you please.*' These words appeared to displease all the tribes to whom the first messenger was sent. They told me they were menacing; and finding that it might have a bad effect, I took upon myself to exclude them; and, after making some apology, they answered that he and his tribe were pleased with my speech, and that I could go up without danger, but they could not presently give me an answer, having some warriors absent, and without consulting the Ouiatenons, being the owners of their lands. They desired me to stop at Quitepiconnæ, [Tippecanoe,] that they would have the chiefs and warriors of Ouiatenons and those of their nation assembled there, and would receive a proper answer. They said that they expected by me a draught of milk from the great chief, and the commanding officer of the post, for to put the old people in good humor; also some powder and ball for the young men for hunting, and to get some good broth for their women and children: that I should know a bearer of speeches should never be with empty hands. They promised me to keep their young men from stealing, and to send speeches to their nations in the prairies for to do the same.

"The 14th April the Ouiatenons and the Kickapoos were assembled. After my speech, one of the head chiefs got up and told me—"ou, Gamelin, my friend and son-in-law, we are pleased to see in our village, and to hear by your mouth, the good words of the great chief. We thought to receive a few words from the French people; but I see the contrary. None but the Big Knife is sending speeches to us. You know that we can terminate nothing without the consent of our brethren the Miamis. I invite you to proceed to their village, and to speak to them. There is one thing in your speech I do not like: I will not tell of it: even was I drunk, I would perceive it: but our elder brethren will certainly take notice of it

in your speech. You invite us to stop our young men. It is impossible to do it, being constantly encouraged by the British.' Another chief got up and said—'The Americans are very flattering in their speeches: many times our nation went to their rendezvous. I was once myself. Some of our chiefs died on the route; and we always came back all naked: and you, Gamelin, you come with speech, with empty hands.' Another chief got up and said to his young men, 'If we are poor, and dressed in deer skins, it is our own fault. Our French traders are leaving us and our villages, because you plunder them every day; and it is time for us to have another conduct.' Another chief got up and said—'Know ye that the village of Ouiatenon is the sepulcher of all our ancestors. The chief of America invites us to go to him if we are for peace. He has not his leg broke, having been able to go as far as the Illinois. He might come here himself; and we should be glad to see him at our village. We confess that we accepted the ax, but it is by the reproach we continually receive from the English and other nations, which received the ax first, calling us women: at the present time they invite our young men to war. As to the old people, they are wishing for peace.' They could not give me an answer before they received advice from the Miamis, their elder brethren.

"The 18th April I arrived at the river a l'Anguille, [Eel river.] The chief of the village,* and those of war were not present. I explained the speeches to some of the tribe. They said they were well pleased; but they could not give me an answer, their chief men being absent. They desired me to stop at their village coming back; and they sent with me one of their men for to hear the answer of their eldest brethren.

"The 23d April I arrived at the Miami town. The next day I got the Miami nation, the Shawanees, and Delawares all assembled. I gave to each nation two branches of wampum, and began the speeches, before the French and English traders, being invited by the chiefs to be present, having told them myself I would be glad to have them present, having nothing to say against any body. After the speech, I showed them the

*This village stood on the north side of Eel river, about six miles above the junction of that stream with the Wabash.

treaty concluded at Muskingum, [Fort Harmar,] between his excellency, Governor St. Clair, and sundry nations, which displeased them. I told them that the purpose of this present time was not to submit them to any condition, but to offer them the peace, which made disappear their displeasure. The great chief told me that he was pleased with the speech; that he would soon give me an answer. In a private discourse with the great chief, he told me not to mind what the Shawanees would tell me, having a bad heart, and being the perturbators of all the nations. He said the Miamis had a bad name, on account of mischief done on the river Ohio; but, he told me, it was not occasioned by his young men, but by the Shawanees; his young men going out only for to hunt.

"The 25th of April, Blue Jacket, chief warrior of the Shawanees, invited me to go to his house, and told me—'My friend, by the name and consent of the Shawanees and Delawares, I will speak to you. We are all sensible of your speech, and pleased with it: but, after consultation, we can not give an answer without hearing from our father at Detroit; and we are determined to give you back the two branches of wampum, and to send you to Detroit to see and hear the chief, or to stay here twenty nights for to receive his answer. From all quarters we receive speeches from the Americans, and not one is alike. We suppose that they intend to deceive us. Then take back your branches of wampum.'

"The 26th, five Pottawattamies arrived here with two negro men, which they sold to English traders. The next day I went to the great chief of the Miamis, called Le Gris. His chief warrior was present. I told him how I had been served by the Shawanees. He answered me that he had heard of it: that the said nations behaved contrary to his intentions. He desired me not to mind those strangers, and that he would soon give me a positive answer.

"The 28th of April, the great chief desired me to call at the French trader's and receive his answer. 'Don't take bad,' said he, 'of what I am to tell you. You may go back when you please. We can not give you a positive answer. We must send your speeches to all our neighbors, and to the lake nations. We can not give a definitive answer without consulting the commandant at Detroit.' And he desired me to

render him the two branches of wampum refused by the Shawanees; also a copy of speeches in writing. He promised me that, in thirty nights, he would send an answer to Post Vincennes by a young man of each nation. He was well pleased with the speeches, and said to be worthy of attention, and should be communicated to all their confederates, *having resolved among them not to do any thing without a unanimous consent*. I agreed to his requisitions, and rendered him the two branches of wampum and a copy of the speech. Afterward he told me that the Five Nations, so called, or Iroquois, were training something; that five of them, and three Wyandots, were in this village with branches of wampum. He could not tell me presently their purpose, but he said I would know of it very soon.

“The same day Blue Jacket, chief of the Shawanees, invited me to his house for supper; and, before the other chiefs, told me that, after another deliberation, they thought necessary that I should go myself to Detroit for to see the commandant, who would get all his children assembled for to hear my speech. I told them I would not answer them in the night; that I was not ashamed to speak before the sun.

“The 29th of April I got them all assembled. I told them that I was not to go to Detroit; that the speeches were directed to the nations of the river Wabash and the Miami; and that, for to prove the sincerity of the speech, and the heart of Governor St. Clair, I have willingly given a copy of the speeches to be shown to the commandant of Detroit; and, according to a letter wrote by the commandant of Detroit to the Miamis, Shawanees, and Delawares, mentioning to you to be peaceable with the Americans, I would go to him very willingly, if it was in my directions, being sensible of his sentiments. I told them I had nothing to say to the commandant; neither him to me. You must immediately resolve, if you intend to take me to Detroit, or else I am to go back as soon as possible. Blue Jacket got up and told me, ‘My friend, we are well pleased with what you say. Our intention is not to force you to go to Detroit. It is only a proposal, thinking it for the best. Our answer is the same as the Miamis. We will send, in thirty nights, a full and positive answer by a young man of each nation by writing to Post Vincennes.’ In the evening, Blue

Jacket, chief of the Shawanees, having taken me to supper with him, told me, in a private manner, that the Shawanee nation was in doubt of the sincerity of the Big Knives, so called, having been already deceived by them. That they had first destroyed their lands, put out their fire, and sent away their young men, being a hunting, without a mouthful of meat; also had taken away their women—wherefore, many of them would, with a great deal of pain, forget these affronts. Moreover, that some other nations were apprehending that offers of peace would, may be, tend to take away, by degrees, their lands, and would serve them as they did before: a certain proof that they intend to encroach on our lands, is their new settlement on the Ohio. If they don't keep this side [of the Ohio] clear, it will never be a proper reconciliation with the nations Shawanees, Iroquois, Wyandots, and perhaps many others. Le Gris, chief of the Miamis, asked me, in a private discourse, what chief had made a treaty with the Americans at Muskingum [Fort Harmar]? I answered him that their names were mentioned in the treaty. He told me he had heard of it some time ago; but they are not chiefs, neither delegates, who made that treaty—they are only young men who, without authority and instructions from their chiefs, have concluded that treaty, which will not be approved. They went to the treaty clandestinely, and they intend to make mention of it in the next council to be held.

“The 2d of May I came back to the river a l'Anguille. One of the chief men of the tribe being witness of the council at Miami town, repeated the whole to them; and whereas, the first chief was absent, they said they could not for the present time give answer, but they were willing to join their speech to those of their eldest brethren. ‘To give you proof of an open heart, we let you know that one of our chiefs is gone to war on the Americans; but it was before we heard of you, for certain they would not have been gone thither.’ They also told me that a few days after I passed their village seventy warriors, Chippewas and Ottawas, from Michilimacinae, arrived there. Some of them were Pottawattamies, who, meeting in their route the Chippewas and Ottawas, joined them. ‘We told them what we heard by you; that your speech is fair and true. We could not stop them from going to war. The Pot-

tawattamies told us that, as the Chippewas and Ottawas were more numerous than them, they were forced to follow them.'

"The 3d of May I got to the Weas. They told me that they were waiting for an answer from their eldest brethren. 'We approve very much our brethren for not to give a definitive answer, without informing of it all the lake Nations; that Detroit was the place where the fire was lighted; then it ought first to be put out there; that the English commandant is their father, since he threw down our French father. They could do nothing without his approbation.'

"The 4th of May I arrived at the village of the Kickapoos. The chief, presenting me two branches of wampum, black and white, said: 'My son, we can not stop our young men from going to war. Every day some set off clandestinely for that purpose. After such behavior from our young men, we are ashamed to say to the great chief at the Illinois and of the Post Vincennes, that we are busy about some good affairs for the reconciliation; but be persuaded that we will speak to them continually concerning the peace; and that, when our eldest brethren will have sent their answer, we will join ours to it.'

"The 5th of May I arrived at Vermillion. I found nobody but two chiefs; all the rest were gone a hunting. They told me they had nothing else to say but what I was told going up."

Early in the month of June, 1790, Governor St. Clair, being at Kaskaskia, received from Major Hamtramck dispatches which induced him to believe that there was not the least probability of making a treaty of peace with the Miami Indians and their confederates.* He therefore determined to return, by water, to the headquarters of General Harmar, at Fort Washington, and there to consult with that officer upon

* In one of these dispatches, dated "Post Vincennes, May 22d, 1790," Major Hamtramck wrote as follows: "I now inclose the proceedings of Mr. Gamelin, by which your excellency can have no great hopes of bringing the Indians to a peace with the United States. The 8th of May, Gamelin arrived, and on the 11th some merchants arrived, and informed me that, as soon as Gamelin had passed their villages on his return, all the Indians had gone to war; that a large party of Indians from Michilimacinae, and some Pottawattamies, had gone to Kentucky; and that three days after Gamelin had left the Miami [village], an American was brought there and burnt."

the means of carrying an expedition against the hostile Indians. He left Kaskaskia on the 11th of June, and arrived at Fort Washington on the 13th of July. Before his departure from the former place, he committed to the secretary of the territory, Winthrop Sargent, the execution of the resolutions of Congress relative to the lands and settlers on the river Wabash, and directed that officer to proceed to Post Vincennes, lay out a county there, establish the militia, and appoint the necessary civil and military officers.

Mr. Sargent, upon whom the duties of governor thus devolved, proceeded immediately from Kaskaskia to Post Vincennes, where he laid out the county of Knox, appointed various civil and military officers, organized the militia, notified the inhabitants to present their claims to lands, and carried the resolutions of Congress into effect as to all the claims to which those resolutions could be clearly applied. "Although," says Mr. Sargent, in a report which he made to President Washington, on the 31st of July, 1790, "the lands and lots which were awarded to the inhabitants, appeared, from very good oral testimony, to belong to those persons to whom they were awarded, either by original grants, purchase, or inheritance, yet there was scarcely one case in twenty where the title was complete, owing to the desultory manner in which public business had been transacted, and some other unfortunate causes. The original concessions by the French and British commandants were generally made upon a small scrap of paper, which it has been customary to lodge in the notary's office, who has seldom kept any book of record, but committed the most important land concerns to loose sheets, which, in process of time, have come into possession of persons that have fraudulently destroyed them, or, unacquainted with their consequence, innocently lost or trifled them away; for by the French usage they are considered as family inheritances, and often descend to women and children. In one instance, and during the government of Mr. St. Ange here, a royal notary ran off with all the public papers in his possession, as by a certificate produced to me. And I am very sorry further to observe that in the office of Mr. Le Grand, which continued from the year 1777 to 1787, and where should have been the vouchers for important land transactions, the records have been

so falsified, and there is such gross fraud and forgery as to invalidate all evidence and information which I might otherwise have acquired from his papers."

On the 13th of July, 1790, there were one hundred and forty-three heads of families at Post Vincennes, who were residents of that place on or before the year 1783. While the acting governor was taking measures to confirm these ancient settlers in their possessions and rights, he received a petition signed by eighty Americans, praying for the confirmation of various grants of land which had been made by the court of Post Vincennes, between the years 1779 and 1787. The French inhabitants also laid before Mr. Sargent a petition on the same subject; and when that officer requested some of the magistrates of the court of Post Vincennes to give him their reasons for having assumed the power to dispose of lands, he received the following answer:

"POST VINCENNES, July 3, 1790.

"To the honorable Winthrop Sargent, esquire, secretary in and for the territory of the United States northwest of the river Ohio, and vested with all the powers of governor and commander-in-chief:

"Sir:—As you have given verbal orders to the magistrates who formerly composed the court of the district of Post Vincennes, under the jurisdiction of the State of Virginia, to give you their reasons for having taken upon them to grant concessions for the lands within the district, in obedience thereto, we beg leave to inform you that their principal reason is, that since the establishment of this country, the commandants have always appeared to be vested with the power to give lands. Their founder, Mr. Vincennes, began to give concessions, and all his successors have given lands and lots. Mr. Legras was appointed commandant of Post Vincennes by the lieutenant of the county, John Todd, who was, in the year 1779, sent by the State of Virginia for to regulate the government of the country, and who substituted Mr. Legras with his power. In his absence, Mr. Legras, who was then commandant, assumed that he had, in quality of commandant, authority to give lands according to the ancient usages of other commandants; and he verbally informed the court of Post Vincennes, that when they would judge it proper to give lands or lots to those who should come into the country to settle, or otherwise, they

might do it; and that he gave them permission so to do. These are the reasons that we acted upon; and if we have done more than we ought, it was on account of the little knowledge which we had of public affairs.

“F. BOSSERON,
L. EDELINE,
PIERRE GAMELIN,
PIERRE ^{HIS} × QUEREZ.”
MARK.

By an act of Congress, of the 3d of March, 1791,* the governor of the territory of the United States northwest of the river Ohio, was empowered, in cases where lands had been actually improved and cultivated under a supposed grant for the same, to confirm to the persons who made such improvements, their heirs and assigns, the lands supposed to have been granted; not, however, exceeding the quantity of four hundred acres to any one person.

In the course of the summer of 1790, the acting governor, Sargent, and the judges of the territory, John Cleves Symmes and George Turner, adopted and published three statutes, bearing the following titles, viz:

I.—“An act to prohibit the giving or selling intoxicating liquors to Indians residing in, or coming into, the territory of the United States northwest of the river Ohio, and for preventing foreigners from trading with Indians therein. Passed at Vincennes, the nineteenth day of July, 1790.”

II.—“An act prohibiting the sale of spiritous or other intoxicating liquors to soldiers in the service of the United States, being within ten miles of any military post within the territory of the United States northwest of the river Ohio; and to prevent the selling or pawning of arms, ammunition, clothing, and accouterments. Passed at Vincennes, the twenty-sixth day of July, in the year of Christ, 1790.”

III.—“An act for suppressing and prohibiting every species of gaming for money or other property, and for making void contracts and payments made in consequence thereof, and for restraining the disorderly practice of discharging arms at cer-

*Laws of the United States, vol. ii, p. 231.

tain hours and places. Passed at Vincennes, the fourth day of August, in the year of Christ, 1790."

The preamble and first section of this act are in the words following, viz:—"Whereas the population, happiness and prosperity of all countries, especially infant communities, necessarily depend upon the sobriety and industry of the people, and their attention to the moral and political duties of life, without which neither the great ends of society can be answered, nor the blessings of good government be felt: And whereas many pernicious games have been publicly practiced in this territory, tending to the corruption of morals, and the increase of vice and idleness, and by which the honest and unsuspecting citizen may be defrauded, and deserving families be reduced to beggary and want: Section 1. *Be it, therefore, enacted,* That if any person or persons within this territory, shall on his, her, or their account, or on the account of any other person or persons, publicly set up, permit, or suffer, or cause or procure to be publicly set up, permitted, or suffered, any species of gaming, play, or pastime whatever, whereby money or other property, shall be betted, won, or lost, or by reason whereof the person so publicly permitting the same, shall or may derive any benefit or advantage, in money, goods, or other property, as a consideration for permission to play or bet thereat, each and every person so offending shall forfeit and pay for every such offense of which he or she shall be convicted, the sum of two hundred dollars, to be recovered with costs, by information, indictment, or action of debt, in any court of record where the same shall be cognizable."

On the 23d of July, 1790, Mr. Sargent received from the principal inhabitants of Vincennes, the following communication:

"VINCENNES, July 23, 1790.

"To the honorable Winthrop Sargent, esquire, secretary of the territory of the United States northwest of the river Ohio, and now vested with all the powers of governor and commander-in-chief thereof:

"The citizens of the town of Vincennes approach you, sir, to express as well their personal respect for your honor, as their full approbation of the measures you have been pleased to pursue in regard to their government, and the adjustment of their claims, as inhabitants of the territory over which you

at present preside. While we deem it a singular blessing to behold the principles of free government unfolding among us, we cherish the pleasing reflection that our posterity will also have cause to rejoice at the political change now originating. A free and efficient government, wisely administered, and fostered under the protecting wings of an august union of States, can not fail to render the citizens of this wide extended territory securely happy in the possession of every public blessing.

"We can not take leave sir, without offering to your notice a tribute of gratitude and esteem, which every citizen of Vincennes conceives he owes to the merits of an officer [Major Hamtramck] who has long commanded at this post. The unsettled situation of things, for a series of years previous to this gentleman's arrival, tended in many instances to derange, and in others to suspend, the operations of those municipal customs by which the citizens of this town were used to be governed. They were in the habit of submitting the superintendence of their civil regulations to the officer who happened to command the troops posted among them. Hence, in the course of the late war, and from the frequent change of masters, they labored under heavy and various grievances. But the judicious and humane attention paid by Major Hamtramck, during his whole command, to the rights and feelings of every individual craving his interposition, demands, and will always receive, our warmest acknowledgments.

"We beg you, sir, to assure the supreme authority of the United States of our fidelity and attachment; and that our greatest ambition is to deserve its fostering care, by acting the part of good citizens.

"By order, and on behalf, of the citizens of Vincennes.

ANTOINE GAMELIN, Magistrate,

PIERRE GAMELIN, do.

PEAD [OR PAUL] GAMELIN, do.

JAMES JOHNSON, do.

LOUIS EDELINE, do.

LUKE DECKER, do.

FRANCIS BOSSERON, do.

FRANCIS VIGO, Major Comm'd't of Militia,

HENRY VANDERBURGH, Major of Militia."

The civil and military officers who signed the foregoing communication, received the following answer from Mr. Sargent:

“VINCENNES, July 25th, 1790.

“*Gentlemen:* Next to that happiness which I derive from a consciousness of endeavoring to merit the approbation of the sovereign authority of the United States by a faithful discharge of the important trusts committed to me, is the grateful plaudit of the respectable citizens of this territory: and be assured, gentlemen, that I receive it from the town of Vincennes, upon this occasion, with singular satisfaction.

“In an event so interesting and important to every individual as is the organization of civil government, I regret exceedingly that you have been deprived of the wisdom of our worthy governor. His extensive abilities, and long experience in the honorable walks of public life, might have more perfectly established that system which promises to you and posterity such political blessings. It is certain, gentlemen, that the government of the United States is most congenial to the dignity of human nature, and the best possible palladium for the lives and property of mankind. The services of Major Hamtramck to the public, and his humane attention to the citizens while in command here, have been highly meritorious; and it is with great pleasure that I have officially expressed to him my full approbation thereof.

“Your dutiful sentiments of fidelity and attachment to the general government of the United States, shall be faithfully transmitted to their august president.

“With the warmest wishes for the prosperity and welfare of Vincennes, I have the honor to be, gentlemen,

Your most obedient, humble servant,

WINTHROP SARGENT.”

CHAPTER XXI.

HARMAR'S EXPEDITION.

DURING the spring and summer of the year 1790, numerous small parties of Indians continued to wage an irregular war against emigrating families and settlers, along the borders of the river Ohio, from its mouth to the neighborhood of Pittsburg. Many emigrants, while they were descending the river in boats, were attacked and killed, or taken and carried into captivity. In a letter, dated "Lexington, [Ky.,] 7th April, 1790," Brigadier-general James Wilkinson wrote to General Harmar, as follows:—"I write to you, at the public request, on a subject deeply interesting to Kentucky, our national honor, and to humanity. For more than one month past, a party of savages has occupied the northwestern bank of the Ohio, a few miles above the mouth of the Scioto, whence they make attacks upon every boat which passes, to the destruction of much property, the loss of many lives, and the great annoyance of all intercourse from the northward. By very recent accounts, we are apprised that they still continue in force at that point, and that their last attack was made against five boats, one of which they captured. It is the general, and I conceive a well-founded opinion, that if this party is not dislodged and dispersed, the navigation of the Ohio must cease. In a case so very critical, the people of this district conceive themselves justified in appealing to arms, because their dearest interests, and the lives of their brethren, are at hazard; but being extremely unwilling to proceed, except in a legal, regular, and authorized way, they call upon you for your advice, succor, and assistance, in the hope and the expectation, that you will be able to coöperate, with a detachment of the troops under your command, and carry an immediate expedition against the before-mentioned party of savages, from Limestone,* where it is proposed to rendezvous a body of militia volunteers."

* Maysville, Kentucky.

On the 18th of April, 1790, General Harmar, (at the head of one hundred regular troops and about two hundred and thirty volunteers from Kentucky, under the command of General Charles Scott,) marched from Limestone, for the purpose of making a circuitous route, by striking the Scioto at a point several miles up that river, and marching thence to its mouth, in order, if possible, to intercept some of the hostile Indians. On this expedition, four Indians were discovered, and killed, and scalped, by a small detachment of the militia under General Scott. In a letter, dated "June 9th, 1790," and addressed to the Secretary of War, General Harmar said:—"At the solicitation of the inhabitants of Kentucky, I was induced to endeavor to break up a nest of vagabond Indians, who had infested the river, and seemed to make it an object to establish themselves near the mouth of the Scioto, in order to interrupt the navigation of the Ohio, and to plunder and murder the emigrants. I am sorry that my endeavors were unsuccessful, as the villains had retreated. Wolves might as well have been pursued. Every exertion in my power was made without effect. * * * On the first day's march, four moccasin tracks were discovered. General Scott detached a small party of horsemen, who fell in with the savages, killed them, and brought the four scalps into Limestone."

When Governor St. Clair arrived at Fort Washington, from Kaskaskia, he determined, after consulting with General Harmar, to send a strong expedition against the Indian towns about the headwaters of the river Wabash. Being vested with authority, by the President of the United States, to call for one thousand militia from Virginia, and five hundred from Pennsylvania, he addressed circular letters, on the 15th of July, 1790, to several of the county lieutenants of the western counties of those States. Virginia, of which Kentucky then formed a part, was called upon to furnish the following numbers of men:

The county of Nelson, -	- 125	} To rendezvous at Fort Steuben, on the 12th of September.
" " Lincoln, -	- 125	
" " Jefferson, -	- 50	

FORT WASHINGTON IN 1790.





The county of Madison, -	125	} To rendezvous at Fort Washington, on the 15th of Sept.
" " Mercer, - -	125	
" " Fayette, - -	200	
" " Bourbon, -	125	
" " Woodford,	85	
" " Mason, - -	40	
<hr/>		
700		

Pennsylvania was requested to furnish for the expedition the following numbers of men:

The county of Washington,	220	} To assemble at McMahan's creek, four miles below Wheeling, on the 3d of September.
" " Fayette,	110	
" " Westmoreland,	110	
" " Allegheny,	60	
<hr/>		
500		

The United States regular troops in the west were estimated, by General Harmar, at four hundred effective men. The militia were designed to act in concert with these troops; and the manner of employing the whole force was arranged thus: Three hundred of the militia of Virginia were ordered to rendezvous at Fort Steuben, and, with the garrison of that fort, to march to Vincennes, and join Major Hamtramck, who had orders to call for aid from the militia of Vincennes, and to move up the Wabash, and attack any of the Indian villages on that river to which his force might be equal. The remaining twelve hundred of the militia were ordered to assemble at Fort Washington, and to join the regular troops at that post under the command of General Harmar.

On the 19th of September, Governor St. Clair, in obedience to the instructions of the President of the United States, sent the following letter to the British commandant at Detroit:

“MARIETTA, 19th September, 1790.

“Sir:—As it is not improbable that an account of the military preparations going forward in this quarter of the country may reach you, and give you some uneasiness, while the object to which they are to be directed is not perfectly known to you, I am commanded by the President of the United States to give you the fullest assurances of the pacific disposition entertained toward Great Britain and all her possessions; and to inform

you explicitly that the expedition about to be undertaken is not intended against the post you have the honor to command, nor any other place at present in the possession of the troops of his Britannic majesty; but is on foot with the sole design of humbling and chastising some of the savage tribes, whose depredations are become intolerable, and whose cruelties have of late become an outrage, not on the people of America only, but on humanity; which I now do in the most unequivocal manner. After this candid explanation, sir, there is every reason to expect, both from your own personal character, and from the regard you have for that of your nation, that those tribes will meet with neither countenance nor assistance from any under your command, and that you will do what in your power lies, to restrain the trading people, from whose instigations there is too good reason to believe, much of the injuries committed by the savages has proceeded. I have forwarded this letter by a private gentleman, in preference to that of an officer, by whom you might have expected a communication of this kind, that every suspicion of the purity of the views of the United States might be obviated."

The Virginia militia (from the counties of Madison, Mercer, Fayette, Bourbon, Woodford, and Mason, in the district of Kentucky), began to assemble at the mouth of Licking river, about the middle of September. They were not well equipped for the expedition. Their arms were generally very bad, and unfit for service; and the men were almost destitute of camp-kettles and axes. Soon after the arrival of the militia, however, General Harmar, in the midst of many difficulties, began to organize them. Colonel Trotter aspired to the command, although Colonel Hardin was the elder officer; and some of the militia openly declared that unless they were placed under the command of Colonel Trotter, they would return to their homes. In the course of two or three days, they were formed into three battalions, under Majors Hall, McMullen, and Ray, with Lieutenant-colonel Trotter at their head. The Pennsylvania militia arrived at Fort Washington about the 24th of September. They were very badly equipped; and among them were many substitutes—old, infirm men, and young boys. They were formed into one battalion, under Lieutenant-colonel

Truby and Major Paul; and four battalions of militia were placed under the command of Colonel John Hardin, subject to the command of General Harmar. The regular troops were formed into two small battalions, under Major John Plasgrave Wyllys and Major John Doughty. The company of artillery, which had three pieces of ordnance, was commanded by Captain William Ferguson. A small battalion of light troops, or mounted militia, was placed under the command of Major James Fontaine. The whole of General Harmar's command may be stated thus:

Three battalions Virginia militia,	}	1,133
One battalion Pennsylvania militia,		
One battalion light troops, mounted,		
Two battalions regular troops,		320
Total,		<hr/> 1,453

On the 26th of September, the militia, under the command of Colonel Hardin, moved from Fort Washington, and advanced into the country, in order to find feed for the cattle, and to open a road for the artillery. The regular troops, under General Harmar, marched on the 30th of September, and joined the militia on the 3d of October, when the order of march was arranged in the manner that follows:

ORDER OF MARCH.

Spies and Guides.



Advance Company.



Pioneers.

Cavalry. : : Cavalry.

McMullen's Battalion of Militia.



FEDERAL TROOPS.

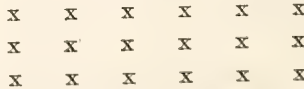


Ammunition.

Officers' baggage, etc.

Flour and Salt.

Cattle.



Hall's Battalion of Militia.



Rear Guard.



FLANK.

Colonel Truby and Major Paul—
Pennsylvania Militia.

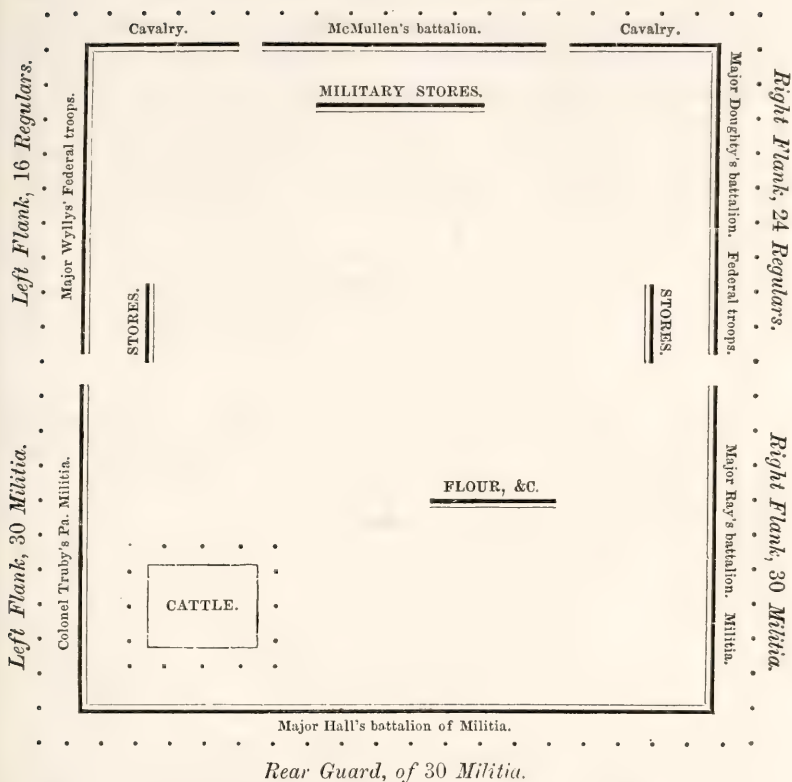


FLANK.

Major Ray's Battalion Militia.



ORDER OF ENCAMPMENT.

Front Guard, of 30 Militia.

The daily movements of the army are recorded in a manuscript journal, which was kept by Captain John Armstrong, of the regulars, as follows:

"September 30, 1790.—The army moved from Fort Washington, at halfpast ten o'clock, A. M.,—marched about seven miles N. E. course—hilly, rich land. Encamped on a branch of Mill creek.

"October 1st.—Took up the line of march at halfpast eight o'clock—passed through a level, rich country, watered by many small branches, waters of Mill creek. At two o'clock, halted one hour; and at four o'clock, halted for the evening on a small branch of Mill creek, having marched about eight miles: general course a little to the westward of north.

"2d.—Moved forty-five minutes after seven o'clock: marched about ten miles a northwest course. The first five miles of this day's march was over a dry ridge to a lick; then five miles through a low, swampy country, to a branch of the waters of the Little Miami, where we halted one hour; and forty-five minutes after one o'clock, moved on for five miles, a N. E. E. and S. E. course, and encamped in a rich and extensive bottom, on a muddy creek, a branch of the Little Miami. This day's march fifteen miles, and one mile from Colonel Hardin's command.

"3d.—The army moved at eight o'clock; passed Colonel Hardin's camp, and halted at Turtle creek, about ten yards wide, where we were joined by Colonel Hardin's command. Here the line of march was formed.—Two miles.

"4th.—The army moved at halfpast nine o'clock: passed through a rich country (some places broken) a N. E. course, and at three o'clock crossed the Little Miami, about forty yards wide: moved up it one mile, a north course, to a branch called Sugar creek. Encamped.—Nine miles.

"5th.—The army moved from Sugar creek forty-five minutes after nine o'clock. Marched through a level country, a N. E. course, up the Little Miami, having it often in view. The latter part of this day's march, through low glades or marshy land. Halted at five o'clock on Glade creek, a very lively, clear stream.—Ten miles.

"6th.—The army moved ten minutes after nine o'clock. The first five miles the country was brushy and somewhat broken: reached Chillicothe, an old Indian village: re-crossed the Little Miami. At halfpast one o'clock, halted one hour, and encamped at four o'clock on a branch.—Nine miles, a N. E. course.

"7th.—The army moved at ten o'clock—the country brushy four miles, and a little broken until we came on the waters of the Great Miami. Passed through several low prairies, and crossed the Pickaway fork of Mad river, which is a clear, lively stream, about forty yards wide—the bottom extensive, and very rich. Encamped on a small branch, one mile from the former. Our course the first four miles north, then northwest.—Nine miles.

"8th.—The army moved at halfpast nine o'clock. Passed

over rich land, in some places a little broken: passed several ponds, and through one small prairie, a N. W. course.—Seven miles.

“9th.—The army moved at halfpast nine o'clock. Passed through a level, rich country, well watered: course N. W.,—halted, halfpast four o'clock, two miles south of the Great Miami.—Ten miles.

“10th.—The army moved forty-five minutes after nine o'clock: crossed the Great Miami. At the crossing there is a handsome high prairie on the S. E. side. The river about forty yards wide. Two miles further, a N. W. course, passed through a large prairie: halted on a large branch of the Great Miami at halfpast three o'clock: the country level and rich. The general course N. W.—Ten miles.

“11th.—The army moved at halfpast nine o'clock: marched a N. W. course seven miles to a branch where French traders formerly had a number of trading-houses; thence a N. course, four miles, to a small branch, and encamped at five o'clock. The country we passed over is very rich and level.—Eleven miles.

“12th.—The army moved at halfpast nine o'clock. Our course a little to the W. of N. W.,—crossed a stream at seven miles and a half, running to the N. E. on which there are several old camps, much deadened timber, which continues to the river Auglaize, about a mile. Here has been a considerable village—some houses still standing. This stream is a branch of the Omi [Maumee] river, and is about twenty yards wide. From this village to our encampment our course was a little to the N. of W. Rich, level land.—Fourteen miles.

“13th.—The army moved at ten o'clock. Just before they marched, a prisoner was brought in, and Mr. Morgan, from Fort Washington, joined us. We marched to the W. of N. W. four miles to a small stream, through low, swampy land; then a course a little to the N. of W., passing through several small prairies and open woods to an Indian village on a pretty stream. Here we were joined by a detachment from Fort Washington with ammunition.—Ten miles.

“14th.—At halfpast ten in the morning, Colonel Hardin was detached for the Miami village, with one company of regulars and six hundred militia; and the army took up its

line of march at eleven o'clock—a N. W. course. Four miles a small branch; the country level; many places drowned lands in the winter season.—Ten miles.

“15th.—The army moved at eight o'clock—N. W. course: two miles, a small branch; then north a little west, crossing a stream, three miles, N. W. course. The army halted at half-past one o'clock on a branch running west.—Eight miles.

“16th.—The army moved at forty-five minutes after eight o'clock. Marched nine miles, and halted fifteen minutes after one o'clock: passed over a level country not very rich. Colonel Hardin, with his command, took possession of the Miami town yesterday [15th] at four o'clock, the Indians having left it just before.—Nine miles.

“17th.—The army moved at fifteen minutes after eight o'clock; and at one o'clock crossed the Maumee river to the village. The river is about seventy yards wide—a fine, transparent stream. The river St. Joseph, which forms the point on which the village stood, is about twenty yards wide, and, when the waters are high, navigable a great way up it.

“On the 18th, I was detached, with thirty men, under the command of Colonel Trotter. On the 19th, Colonel Hardin commanded in lieu of Colonel Trotter. Attacked about one hundred Indians fifteen miles west of the Miami village; and from the dastardly conduct of the militia, the troops were obliged to retreat. I lost one sergeant, and twenty-one out of thirty men of my command. The Indians on this occasion gained a complete victory—having killed, in the whole, near one hundred men, which was about their number. Many of the militia threw away their arms without firing a shot, ran through the federal troops and threw them in disorder. Many of the Indians must have been killed, as I saw my men bayonet many of them. They fought and died hard.”

When the advanced detachment, under the command of Colonel Hardin, reached the Miami village, in the afternoon of the 15th of October, the Indians had deserted the place, leaving behind them some cows, and large quantities of corn and vegetables; and the militia, in parties of thirty or forty, regardless of discipline, strolled about in search of plunder. In the afternoon of the 17th, the main body of the army arrived at the Miami village, and soon afterward, Major McMullen

and others reported to General Harmar, that the tracks of women and children had been discovered on an Indian path, leading from the village, a northwest course, toward the Kickapoo towns. The general, supposing that the Indians, with their families and baggage, had encamped at some point not far from the Miami village, determined to make an effort to discover the place of their encampment, and to bring them to a battle. Accordingly, on the morning of the 18th, he detached Colonel Trotter, Major Hall, Major Ray, and Major McMullen, with a force amounting to three hundred men, and composed of thirty regular troops, forty of Major Fontaine's light horse, and two hundred and thirty active riflemen. The detachment was furnished with three days' provision, and ordered to examine the country around the Miami village. After these troops, under the command of Colonel Trotter, had moved about one mile from the encampment, the light horsemen discovered, pursued, and killed an Indian on horseback. Before this party returned to the columns, a second Indian was discovered, when the four field-officers left their commands, and pursued the Indian, leaving the troops for the space of about half an hour without any directions whatever. The flight of the second Indian was intercepted by the light horsemen, who dispatched him after he had wounded one of their party. Colonel Trotter then changed the route of his detachment, and marched in various directions until night, when he returned to the camp at the Miami village. On the 18th, the following general orders were published:

“CAMP AT THE MIAMI VILLAGE, Oct. 18, 1790.

“The general is much mortified at the unsoldier-like behavior of many of the men in the army, who make it a practice to straggle from the camp in search of plunder.* He, in the most positive terms, forbids this practice in future, and the guards will be answerable to prevent it. No party is to go beyond the line of sentinels without a commissioned officer,

* On the arrival of General Harmar at the Miami village, about two-thirds of the militia dispersed in search of plunder. The general ordered cannon to be fired, merely to collect them; and at the same time harangued the officers on the ill consequences of such conduct.

who, if of the militia, will apply to Colonel Hardin for his orders. The regular troops will apply to the general. All the plunder that may be hereafter collected, will be equally distributed among the army. The kettles, and every other article already taken, are to be collected by the commanding officers of battalions, and to be delivered to-morrow morning to Mr. Belli, the quartermaster, that a fair distribution may take place. The rolls are to be called at troop and retreat beating, and every man absent is to be reported. The general expects that these orders will be pointedly attended to: they are to be read to the troops this evening. The army is to march to-morrow morning early for their new encampment at Chillicothe,* about two miles from hence.

“JOSIAH HARMAR, BRIGADIER-GENERAL.”

The return of Colonel Trotter to camp, on the evening of the 18th, was unexpected by General Harmar, and did not receive his approbation. Colonel Hardin asked for the command of the same detachment for the remaining two days, and his request was granted. On the morning of the 19th, the detachment, under the command of Colonel Hardin, marched a northwest course on the Indian path which led toward the Kickapoo towns; and after passing a morass about five miles distant from the Miami village, the troops came to a place where, on the preceding day, a party of Indians had encamped. At this spot the detachment made a short halt, and the commanding officer stationed the companies at points several rods apart. After the lapse of about half an hour, the companies in front were ordered to move on; and Captain Faulkner's company was left on the ground, the colonel having neglected to give him orders to march. The troops moved forward about three miles, when they discovered two Indians on foot, who threw off their packs, and, the brush being thick, made their escape. About this time, Colonel Hardin dispatched Major Fontaine, with part of the cavalry, in search of Captain Faulkner, supposing him to be lost; and soon afterward, Captain Armstrong, who commanded the regulars, informed Colonel Hardin that a gun had been fired in front, which

*This was a Shawanee village.

might be considered as an alarm gun, and that he had seen the "tracks of a horse that had come down the road and returned." The colonel, however, moved on without giving any orders, or making any arrangements for an attack; and when Captain Armstrong discovered the fires of the Indians at a distance, and informed Colonel Hardin of the circumstance, that officer, saying that the Indians would not fight, rode in front of the advanced columns until the detachment was fired on from behind the fires. The militia, with the exception of nine who remained with the regulars and were killed, immediately gave way, and commenced an irregular retreat, which they continued until they reached the main army. Hardin, who retreated with them, made several ineffectual attempts to rally them. The small band of regulars, obstinately brave, maintained their ground until twenty-two were killed, when Captain Armstrong, Ensign Hartshorne, and five or six privates, escaped from the carnage, eluded the pursuit of the Indians, and arrived at the camp of General Harmar. The number of Indians who were engaged on this occasion, can not be ascertained.* They were commanded by a distinguished Miami chief, whose name was Mish-e-ken-o-quoh, which signifies the Little Turtle. The ground on which the action took place lies about eleven miles from Fort Wayne, and near the point at which the Goshen state road crosses Eel river.

On the morning of the 19th, the main body of the army, under Harmar, having destroyed the Miami village, moved about two miles to a Shawanee village, which was called Chillicothe, where, on the 26th, the general published the following orders:

"CAMP AT CHILLICOTHE, *one of the Shawanese towns,* }
on the Omee [*Maumee*] river, Oct. 20th, 1790. }

"The party under command of Captain Strong is ordered to burn and destroy every house and wigwam in this village,

* Captain Armstrong, under oath, estimated the number at one hundred men. Colonel Hardin, in a deposition which he made in 1791, estimated the number at about one hundred and fifty men. Some writers, on questionable authority, have estimated the number of Indians at seven hundred.

together with all the corn, etc., which he can collect. A party of one hundred men (militia), properly officered, under the command of Col. Hardin, is to burn and destroy effectually, this afternoon, the Pickaway town,* with all the corn, etc., which he can find in it and its vicinity.

“The cause of the detachment being worsted yesterday, was entirely owing to the shameful cowardly conduct of the militia who ran away, and threw down their arms, without firing scarcely a single gun. In returning to Fort Washington, if any officer or men shall presume to quit the ranks, or not to march in the form that they are ordered, the general will most assuredly order the artillery to fire on them. He hopes the check they received yesterday will make them in future obedient to orders.

“JOSIAH HARMAR, BRIGADIER-GENERAL.”

At ten o'clock, A. M., on the 21st, the army moved from the ruins of the Chillicothe village, marched about seven miles on the route to Fort Washington, and encamped. The night being very clear, Colonel Hardin informed General Harmar that he thought it would be a good opportunity to steal a march on the Indians, as he had reason to believe that they had returned to the towns as soon as the army had left them. Harmar did not seem to be willing to send a party back; but Hardin “urged the matter, informing the general that, as he had been unfortunate the other day, he wished to have it in his power to pick the militia and try it again; and at the same time endeavored to account for the men’s not fighting; and desired an opportunity to retrieve the credit of the militia.”† In order to satisfy the request of Hardin, and to give the Indians a check, and thus prevent their harassing the army on its return to Fort Washington, General Harmar determined to send back a detachment of four hundred men. Accordingly, late on the night of the 21st, a corps of three hundred and forty militia, and sixty regular troops under the command of Major Wylls, were detached, that they might gain the vicinity of the Miami village before daybreak, and surprise any Indians

* A Shawanese village.

† Deposition of Colonel Hardin, taken 14th September, 1791.

who might be found there. The detachment marched in three columns. The regular troops were in the center, at the head of which Captain Joseph Ashton was posted, with Major Wyllys and Colonel Hardin in his front. The militia formed the columns to the right and left. Owing to some delay, occasioned by the halting of the militia, the detachment did not reach the banks of the Maumee till some time after sunrise. The spies then discovered some Indians and reported to Major Wyllys, who halted the regular troops, and moved the militia on some distance in front, where he gave his orders and plan of attack to the several commanding officers of the corps. Major Wyllys reserved to himself the command of the regular troops. Major Hall, with his battalion, was directed to take a circuitous route round the bend of the Maumee river, cross the St. Mary's, and there, in the rear of the Indians, wait until the attack should be brought on by Major McMullen's battalion, Major Fontaine's cavalry, and the regular troops under Major Wyllys, who were all ordered to cross the Maumee at and near the common fording place. It was the intention of Hardin and Wyllys to surround the Indian encampment; but Major Hall, who had gained his position undiscovered, disobeyed his orders by firing on a single Indian, before the commencement of the action. Several small parties of Indians were soon seen flying in different directions, and the militia under McMullen, and the cavalry under Fontaine, pursued them in disobedience of orders, and left Major Wyllys unsupported. The consequence was, that the regulars, after crossing the Maumee, were attacked by a superior force of Indians, and compelled to retreat, with the loss of Major Wyllys, and the greater part of their corps. Major Fontaine, at the head of the mounted militia, fell, with a number of his followers, in making a charge against a small party of Indians; and, on his fall, the remainder of his troops dispersed. While the main body of the Indians, led by the Little Turtle, were engaged with the regulars near the banks of the Maumee, some skirmishing took place near the confluence of the rivers St. Mary's and St. Joseph, between detached parties of Indians and the militia under Hall and McMullen. After the defeat of the regulars, however, the militia retreated on the route to the main army; and the Indians, having suffered a severe loss, did not pursue them. About eleven o'clock,

A. M., a single horseman reached the camp of Harmar, with news of the defeat of the detachment. The general immediately ordered Major Ray to march, with his battalion, to the assistance of the retreating parties; but so great was the panic which prevailed among the militia that only thirty men could be induced to leave the main army. With this small number Major Ray proceeded a short distance toward the scene of action, when he met Colonel Hardin, on his retreat. On reaching the encampment of Harmar, Colonel Hardin requested the general to march back to the Miami village with the whole army; but Harmar said to him:—"You see the situation of the army: we are now scarcely able to move our baggage: it will take up three days to go and return to this place: we have no more forage for our horses: the Indians have got a very good scourging; and I will keep the army in perfect readiness to receive them, should they think proper to follow."* The general, at this time, had lost all confidence in the militia. The bounds of the camp were made less, and, at eight o'clock on the morning of the 23d, the army took up the line of march for Fort Washington, and reached that place on the 4th of November, having lost, in the expedition, one hundred and eighty-three killed, and thirty-one wounded. Among the killed were Major Wyllys and Lieutenant Ebenezer Frothingham, of the regular troops; and Major Fontaine, Captains Thorp, McMurtrey and Scott, Lieutenants Clark and Rogers, and Ensigns Bridges, Sweet, Higgins, and Thielkeld, of the militia. The Indians, whose loss was about equal to that of the whites, did not annoy the army after the action of the 22d of October.

During the progress of Harmar's operations against the Indians about the Miami town, Major Hamtramck, with the troops under his command, marched up the Wabash to the mouth of the river Vermillion, destroyed some deserted villages, and returned to Vincennes, without meeting with any opposition on his march.

* Deposition of Colonel Hardin, September 14, 1791.

CHAPTER XXII.

INDIAN HOSTILITIES.

A SEVERE punishment was inflicted on the Miami and Shawanee tribes, by the troops under the command of General Harmar, in the fall of the year 1790; but the events which immediately followed the campaign did not accord with the expectations of the government of the United States. The expedition did not compel the hostile tribes to sue for peace; nor were the settlements on the borders of the river Ohio relieved from the evils of a revengeful, merciless, and destructive war. On the 8th of January, 1791, General Rufus Putnam, who was one of the "Ohio Company of Associates," and the founder of the settlement at Marietta, wrote to President Washington as follows:

"MARIETTA, January 8, 1791.

"*Sir*:—The mischief which I feared has overtaken us much sooner than I expected. On the evening of the 2d instant, between sunset and daylight-in, the Indians surprised a new settlement of our people, at a place on the Muskingum called the Big Bottom, nearly forty miles up the river, in which disaster eleven men, one woman, and two children were killed: three men are missing, and four others made their escape. Thus, sir, the war which was partial before the campaign of last year, is, in all probability, become general: for I think that there is no reason to suppose that we are the only people on whom the savages will wreak their vengeance, or that the number of hostile Indians have not increased since the late expedition. Our situation is truly critical. The governor and secretary both being absent, no assistance from Virginia or Pennsylvania can be had. The garrison at Fort Harmar, consisting at this time of little more than twenty men, can afford no protection to our settlements; and the whole number of men, in all our settlements, capable of bearing arms, including all civil and military officers, does not exceed two hundred and

eighty-seven, and these, many of them, badly armed. We are in the utmost danger of being swallowed up, should the enemy push the war with vigor during the winter. This, I believe, will fully appear by taking a short view of our several settlements, and, I hope, justify the extraordinary measures* we have adopted, for want of a legal authority in the territory to apply for aid in the business. The situation of our people is nearly as follows:

“At Marietta are about eighty houses in the distance of one mile, with scattering houses about three miles up the river. A set of mills at Duck creek, four miles distant, and another mill two miles up the Muskingum. Twenty-two miles up this river is a settlement, consisting of about twenty families: about two miles from them, on Wolf creek, are five families and a set of mills. Down the Ohio, and opposite the Little Kanawha, commences the settlement called Belle Prairie, which extends down the river, with little interruption, about twelve miles, and contains between thirty and forty houses. Before the late disaster, we had several other settlements, which are already broken up. I have taken the liberty to inclose the proceedings of the Ohio Company and justices of the sessions on this occasion, and beg leave, with the greatest deference, to observe that, unless government speedily send a body of troops for our protection, we are a ruined people. The removal of the women and children, etc., will reduce many of the poorer sort to the greatest straits; but if we add to this the destruction of their corn, forage, and cattle, by the enemy, which is very probable to ensue, I know of no way they can be supported: but, if this should not happen, where these people are to raise bread another year, is not easy to conjecture; and most of them have nothing left to buy with. But my fears do not stop here. We are a people so far detached from all others, in point of situation, that we can hope for no timely relief, in case of emergency, from any of our neighbors; and among the numbers that compose our present military strength, almost

*Immediately after the disaster at Big Bottom, the directors of the “Ohio Company of Associates” voted to raise and pay troops, to be employed in the defense of their settlements.

one-half are young men, hired into the country, intending to settle by and by. These, *under present circumstances, will probably leave us soon, unless prospects should brighten; and, as to new settlers, we can expect none in our present situation: so that, instead of increasing in strength, we are like to diminish daily; and, if we do not fall a prey to the savages, we shall be so reduced and discouraged as to give up the settlement, unless government shall give us timely protection. It has been a mystery with some why the troops have been withdrawn from this quarter, and collected at the Miami [Symmes' purchase]. That settlement is, I believe, within three or four days' march of a very populous part of Kentucky, whence, in a few days, they might be reinforced with several thousand men; whereas, we are not within two hundred miles of any settlement that can probably more than protect themselves. But I forbear suggestions of this sort, and will only observe further, that our present situation is truly distressing; and I do, therefore, most earnestly implore the protection of government for myself and friends inhabiting these wilds of America. To this we conceive ourselves justly entitled; and so far as you, sir, have the means in your power, we rest assured that we shall receive it in due time.

"I have the honor to be, with the highest possible respect, sir, your most obedient and most humble servant,

"RUFUS PUTNAM."

Immediately after the close of the expedition of Harmar, the fears of Indian depredations which prevailed among the settlements about Marietta, became general among the inhabitants of the western counties of Virginia. The delegates of the counties of Ohio, Monongahela, Harrison, Randolph, Greenbriar, Kanawha, and Montgomery, sent to the governor of Virginia a joint memorial, in which they made the following statement: "The defenseless condition of those counties, forming a line of nearly four hundred miles along the Ohio river, exposed to the hostile invasion of their Indian enemies, destitute of every kind of support, is truly alarming: for, notwithstanding all the regulations of the general government in that country, we have reason to lament that they have been hitherto ineffectual for our protection; nor indeed could it happen other-

wise: for the garrisons kept by the continental troops on the Ohio river, if they are of any use, it must be to the Kentucky settlements, as they immediately cover that country. To us they can be of no service, being from two to four hundred miles below our frontier settlements. * * * We further beg leave to observe that we have reason to fear that the consequences of the defeat of our army by the Indians, on the late expedition, will be severely felt on our frontiers; as there is no doubt but that the Indians will, in their turn, (being flushed with victory,) invade our settlements, and exercise all their horrid murder upon the inhabitants thereof, whenever the weather will permit them to travel. Then is it not better to support us where we are, be the expense what it may, than to oblige such a number of your brave citizens, who have so long supported, and still continues to support, a dangerous frontier, (although thousands of their relatives in the flesh have, in the prosecution thereof, fallen a sacrifice to savage inventions,) to quit the country, after all they have done and suffered, when you know that a frontier must be supported somewhere?"

The memorial was signed by Benjamin Biggs and John Henderson, of Ohio county; John Evans, jr., and William McCleery, of Monongahela county; George Jackson and John Prunty, of Harrison county; Cornelius Bogard and Abraham Claypool, of Randolph county; Andrew Donnally and George Clendinen, of Kanawha county; Thomas Edgar and W. H. Cavendish, of Greenbriar county; and H. Montgomery and R. Sawyers, of Montgomery county.

In consequence of the representations contained in this memorial, the legislature of Virginia, by a resolution of the 20th of December, 1790, authorized the governor of that State to direct such temporary defensive operations in the frontier counties "as would secure the citizens thereof from the hostile invasions of the Indian enemy, until the general government could enter into full and effectual measures to accomplish the said object." The governor, Beverly Randolph, immediately dispatched orders to the military commanding officers in the western counties, requiring them to raise, by the 1st of March, 1791, several small companies of rangers for the protection of the inhabitants of the frontier counties. Charles Scott, Esq.

was appointed brigadier-general of the militia of the district of Kentucky, with authority to procure, by voluntary engagements, two hundred and twenty-six men, to range the most exposed parts of the frontiers of that district.

An account of these proceedings of the legislative and executive authorities of Virginia, was transmitted to the President of the United States, by Governor Randolph, on the 4th of January, 1791; and soon afterward the general government constituted a local board of war for the district of Kentucky. This board was composed of Brigadier-general Charles Scott, Harry Innis, John Brown, Benjamin Logan, and Isaac Shelby.

On the 3d of March, 1791, Congress passed "an act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers." Governor St. Clair, by the advice and consent of the Senate, was invested with the chief command of about three thousand troops, to be raised and employed against the hostile Indians northwest of the Ohio; and on the 21st of March, 1791, the secretary of war sent to St. Clair a letter of instructions, from which the following is an extract:

"While you are making use of such desultory operations as in your judgment the occasion may require, you will proceed vigorously, in every preparation in your power, for the purpose of the main expedition; and having assembled your force, and all things being in readiness, if no decisive indications of peace should have been produced, either by the messengers or by the desultory operations, you will commence your march for the Miami village, in order to establish a strong and permanent military post at that place. In your advance you will establish such posts of communication with Fort Washington, on the Ohio, as you may judge proper. The post at the Miami village is intended for awing and curbing the Indians in that quarter, and as the only preventive of future hostilities. It ought, therefore, to be rendered secure against all attempts and insults of the Indians. The garrison which should be stationed there ought not only to be sufficient for the defense of the place, but always to afford a detachment of five or six hundred men, either to chastise any of the Wabash or other hostile Indians, or to secure any convoy of provisions. The

establishment of said post is considered as an important object of the campaign, and is to take place in all events. In case of a previous treaty, the Indians are to be conciliated upon this point if possible; and it is presumed good arguments may be offered to induce their acquiescence. * * * Having commenced your march upon the main expedition, and the Indians continuing hostile, you will use every possible exertion to make them feel the effects of your superiority; and, after having arrived at the Miami village, and put your works in a defensible state, you will seek the enemy with the whole of your remaining force, and endeavor, by all possible means, to strike them with great severity. * * * In order to avoid future wars, it might be proper to make the Wabash, and thence over to the Maumee, and down the same to its mouth at lake Erie, the boundary [between the people of the United States and the Indians] excepting so far as the same should relate to the Wyandots and Delawares, on the supposition of their continuing faithful to the treaties. But if they should join in the war against the United States, and your army be victorious, the said tribes ought to be removed without the boundary mentioned."

On the 9th of March, 1791, General Henry Knox, secretary of war, sent to Brigadier-general Scott, of Kentucky, a letter of instructions, from which the following is an extract:

"Sir: The issue, and consequent effect, of the expedition against the Miami towns, and the situation of affairs between the United States and the Wabash and other hostile Indians northwest of the Ohio, are well known to you, and the inhabitants of Kentucky, generally. * * * It would afford high satisfaction to the President of the United States, could a firm peace be established without further effusion of blood; and, although he conceives the sacred principles of humanity, and a regard to the welfare of the country, dictate that he should take every proper arrangement to bring the deluded Indians to a just sense of their situation, yet he is apprehensive that all lenient endeavors will be fruitless. He is, therefore constrained to calculate his ultimate measures, to impress the Indians with a strong conviction of the power of the United States, to inflict that degree of punishment which justice may

require. That, for this purpose, he avails the public of the offers which you and the delegates of Kentucky, and the other frontier counties of Virginia, made, by your memorial of the 4th of December last, to combat the Indians according to your own modes of warfare.

“It is the result of information, from men of reputation in Indian affairs, that a body of five hundred picked men, mounted on good horses, by rapid incursions, would be equal to the assault of any of the Indian towns lying on the Wabash river, and that the probability would be highly in favor of surprising and capturing at least a considerable number of women and children. In this view of the object, and also estimating the consequent impressions, such as a successful operation would make upon the Indians, by demonstrating to them that they are within our reach, and lying at our mercy; and also, considering from the before recited memorial and other information, that such an opportunity of acting by themselves in an Indian expedition, would be highly gratifying to the hardy and brave yeomanry of Kentucky, the President of the United States hereby authorizes an expedition of the magnitude, and upon the conditions, hereinafter described.”

By the instructions which were subsequently contained in the letter of the secretary of war, the board of war for the district of Kentucky were authorized to send an expedition of mounted men, not exceeding seven hundred and fifty, against the Wea towns on the river Wabash. The pay of each private engaged in the expedition, was fixed at 66 $\frac{2}{3}$ cents per day; and the troops were directed to move from some point on the river Ohio, about the 10th of May, 1791. “The mounted volunteers or militia,” said the secretary, in his letter of instructions, “are to proceed to the Wea, or Ouiatenon towns of Indians, there to assault the said towns, and the Indians therein, either by surprise, or otherwise, as the nature of the circumstances may admit—sparing all who may cease to resist, and capturing as many as possible, particularly women and children. And, on this point, it is the positive orders of the President of the United States, that all such captives be treated with humanity; and that they be carried and delivered to the commanding officer of some post of the United States upon the Ohio.” The

President, also, authorized the board of war to send a second expedition, and a third one against the Wabash Indians, provided the major-general, or commanding officer, on the Ohio, should order the same, under his hand and seal.

On the 23d of May, 1791, Brigadier-general Scott, with a force of about eight hundred mounted and armed men, crossed the Ohio, at the mouth of the Kentucky river, and commenced his march for Ouiatenon,* on the Wabash. In his official report of the 28th of June, 1791, addressed to the secretary of war, he made the following statements of the movements of the expedition under his command:

"In the prosecution of the enterprise, I marched four miles from the banks of the Ohio, on the 23d of May; and on the 24th I resumed my march, and pushed forward with the utmost industry, directing my route to Ouiatenon, in the best manner my guides and information enabled me; though I found myself greatly deficient in both. By the 31st, I had marched one hundred and thirty-five miles, over a country cut by four large branches of White river, and many smaller streams, with steep, muddy banks: during this march, I traversed a country alternately interspersed with the most luxuriant soil, and deep, clayey bogs, from one to five miles in width, rendered almost impervious by brush and briars. Rain fell in torrents every day, with frequent blasts of wind, and thunderstorms. These obstacles impeded my progress, wore down my horses, and destroyed my provisions.

"On the morning of the 1st instant, [June,] as the army entered an extensive prairie, I perceived an Indian on horseback, a few miles to the right. I immediately made a detachment to intercept him; but he escaped. Finding myself discovered, I determined to advance with all the rapidity my circumstances would permit, rather with the hope than the expectation of reaching the object sought that day; for my guides were strangers to the country which I occupied. At one o'clock, having marched, by computation, one hundred

*This "Ouiatenon," or Wea village, stood on the southern bank of the river Wabash, (on the tract of land which is now called "Wea Prairie,") about eight miles below the site of the town of Lafayette, in Tippecanoe county, Indiana.

and fifty-five miles from the Ohio, as I penetrated a grove which bordered on an extensive prairie, I discovered two small villages to my left, at two and four miles distance.

"My guides now recognised the ground, and informed me that the main town was four or five miles in my front, behind a point of woods which jutted into the prairie. I immediately detached Colonel John Hardin, with sixty mounted infantry, and a troop of light-horse under Captain McCoy, to attack the villages to the left, and moved on briskly with my main body in order of battle, toward the town, the smoke of which was discernable. My guides were deceived with respect to the situation of the town: for, instead of standing at the edge of the plain through which I marched, I found it on the low ground bordering on the Wabash: on turning the point of woods, one house presented in my front. Captain Price was ordered to assault that with forty men. He executed the command with great gallantry, and killed two warriors.

"When I gained the summit of the eminence which overlooks the villages on the banks of the Wabash, I discovered the enemy in great confusion, endeavoring to make their escape over the river in canoes. I instantly ordered Lieutenant-colonel commandant Wilkinson to rush forward with the first battalion. The order was executed with promptitude, and this detachment gained the bank of the river just as the rear of the enemy had embarked; and, regardless of a brisk fire kept up from a Kickapoo town on the opposite bank, they, in a few minutes, by a well-directed fire from their rifles, destroyed all the savages with which five canoes were crowded. To my great mortification, the Wabash was many feet beyond fording at this place: I therefore detached Colonel Wilkinson to a ford two miles above, which my guides informed me was more practicable.*

"The enemy still kept possession of the Kickapoo town. I determined to dislodge them; and for that purpose ordered Captain King's and Logsdon's companies to march down the river below the town, and cross, under the conduct of Major Barbee. Several of the men swam the river, and others passed

* Wilkinson moved the first battalion up to the fording place, found the river impassable, and returned to Ouiatenon.

in a small canoe. This movement was unobserved; and my men had taken post on the bank before they were discovered by the enemy, who immediately abandoned the village. About this time, word was brought me that Colonel Hardin was encumbered with prisoners, and had discovered a stronger village further to my left than those I had observed, which he was proceeding to attack. I immediately detached Captain Brown with his company to support the colonel; but the distance being six miles, before the captain arrived the business was done; and Colonel Hardin joined me a little before sunset, having killed six warriors, and taken fifty-two prisoners. Captain Bull, the warrior who discovered me in the morning, had gained the main town, and given the alarm, a short time before me; but the villages to my left were uninformed of my approach, and had no retreat.

"The next morning I determined to detach my lieutenant-colonel commandant, with five hundred men, to destroy the important town of Keth-tip-e-ca-nunk, eighteen miles from my camp, and on the west side of the Wabash; but, on examination, I discovered my men and horses to be so crippled and worn down by a long laborious march, and the active exertions of the preceding day, that three hundred and sixty men only could be found in a capacity to undertake the enterprise, and they prepared to march on foot. Colonel Wilkinson marched with this detachment at half after five in the evening, and returned to my camp the next day at one o'clock, having marched thirty-six miles in twelve hours, and destroyed the most important settlement of the enemy in that quarter of the federal territory.

"Many of the inhabitants of this village [Ouiatenon] were French, and lived in a state of civilization. By the books, letters, and other documents found there, it is evident that place was in close connection with, and dependent on, Detroit. A large quantity of corn, a variety of household goods, peltry, and other articles, were burned with this village, which consisted of about seventy houses, many of them well finished.

"Misunderstanding the object of a white flag, which appeared on an eminence opposite to me in the afternoon of the first, I liberated an aged squaw, and sent with her a message to the savages, that, if they would come in and surrender,

their towns should be spared, and they should receive good treatment. It was afterward found that this white flag was not intended as a signal of parley, but was placed there to mark the spot where a person of distinction among the Indians, who had died some time before, was interred.

"On the 4th, I determined to discharge sixteen of the weakest and most infirm of my prisoners, with a [written] talk to the Wabash tribes. My motives to this measure were, to rid the army of a heavy incumbrance, to gratify the impulses of humanity, to increase the panic my operations had produced, and, by distracting the councils of the enemy, to favor the views of government; and I flatter myself these objects will justify my conduct, and secure the approbation of my country. On the same day [4th], after having burned the towns and adjacent villages, and destroyed the growing corn and pulse, I began my march for the rapids of Ohio, where I arrived the 14th June, without the loss of a single man by the enemy, and five only wounded; having killed thirty-two, chiefly warriors of size and figure, and taken fifty-eight prisoners.

"It is with pride and pleasure I mention that no act of inhumanity has marked the conduct of the volunteers of Kentucky on this occasion. Even the inveterate habit of scalping the dead ceased to influence. I have delivered forty-one prisoners to Captain Ashton, of the first United States regiment, at Fort Steuben, for which I have his receipt. I sincerely lament that the weather, and the consequences produced by it, rendered it impossible for me to carry terror and desolation to the head of the Wabash. The corps I had the honor to command, was equal to the object; but the condition of my horses, and state of my provisions, were insuperable obstacles to my own intentions, and the wishes of all."

When Brigadier-general Scott released sixteen weak and infirm prisoners at Ouiatenon, he gave them a written speech, of which the following is a copy:

"To the various tribes of the Piankeshaws, and all the nations of Red People, lying on the waters of the Wabash river:

"The sovereign council of the thirteen United States have long patiently borne your depredations against their settle-

ments on this side of the great mountains, in the hope that you would see your error, and correct it, by entering with them into the bonds of amity and lasting peace. Moved by compassion, and pitying your misguided councils, they have frequently addressed you on this subject, but without effect. At length their patience is exhausted, and they have stretched forth the arm of power against you. Their mighty sons and chief warriors have at length taken up the hatchet; they have penetrated far into your country, to meet your warriors, and punish them for their transgressions; but you fled before them, and declined the battle, leaving your wives and children to their mercy. They have destroyed your old town, Ouiatenon, and the neighboring villages, and have taken many prisoners. Resting here two days to give you time to collect your strength, they have proceeded to your town of Keth-tip-e-ca-nunk; but you again fled before them, and that great town has been destroyed. After giving you this evidence of their power, they have stopped their hands, because they are merciful as strong; and they again indulge the hope that you will come to a sense of your true interest, and determine to make a lasting peace with them, and all their children, for ever.

“The United States have no desire to destroy the red people, although they have the power; but should you decline this invitation, and pursue your unprovoked hostilities, their strength will again be exerted against you. Your warriors will be slaughtered; your town and villages ransacked and destroyed; your wives and children carried into captivity; and you may be assured that those who escape the fury of our mighty chiefs, shall find no resting-place on this side the great lakes. The warriors of the United States wish not to distress or destroy women and children, or old men; and although policy obliges them to retain some in captivity, yet compassion and humanity have induced them to set others at liberty, who will deliver you this talk. Those who are carried off, will be left in the care of our great chief and warrior, General St. Clair, near the mouth of the Miami, and opposite the Licking river, where they will be treated with humanity and tenderness. If you wish to recover them, repair to that place by the first day of July next, determined, with true hearts, to bury the hatchet, and smoke the pipe of peace. They will then be restored to

you; and you may again set down in security at your old towns, and live in peace and happiness, unmolested by the children of the United States, who will become your friends and protectors, and will be ready to furnish you with all the necessaries you may require. But should you foolishly persist in your warfare, the sons of war will be let loose against you, and the hatchet will never be buried until your country is desolated, and your people humbled to the dust.

"Given under my hand and seal, at the Ouiatenon town, this 4th day of June, 1791.

"CHARLES SCOTT, BRIGADIER-GENERAL."

On the 25th of June, 1791, Governor St. Clair, while he was making preparations to march a strong military force to the Miami village, wrote to the board of war of the district of Kentucky, and authorized them to send a second expedition, not exceeding five hundred mounted men, against the Indian villages on the Wabash. At Danville, on the 5th of July, the board of war invested Brigadier-general James Wilkinson with the command of the second expedition, and the troops were ordered to rendezvous at Fort Washington, by the 20th of July, "well mounted on horseback, well armed, and provided with thirty days' provisions." On the first of August, Wilkinson, at the head of about five hundred and twenty-five men, moved from the neighborhood of Fort Washington, and, after making a feint toward the Miami village, directed his march toward the Indian village of Ke-na-pa-com-a-quā, which stood on the northern bank of Eel river, about six miles from the point where that stream enters the river Wabash.* In an official report of the 24th August, 1791, addressed to Governor St. Clair, Brigadier-general Wilkinson made the following statements:

"I quitted my camp on the 7th [August,] as soon as I could see my way, crossed one path at three miles distance, bearing northeast, and at seven miles I fell into another, very much used, bearing northwest by north, which I at once adopted as the direct route to my object, and pushed forward with the

* Eel river enters the Wabash at the site of the town of Logansport, in Cass county, Indiana.

utmost despatch. I halted at twelve o'clock to refresh the horses, and examine the men's arms and ammunitions; marched again at half after one; and at fifteen minutes before five I struck the Wabash, about one and a half leagues above the mouth of Eel river, being the very spot for which I had aimed from the commencement of my march. I crossed the river, and following the path a north by east course, at the distance of two and a half miles, my reconnoitering party announced Eel river in front, and the town on the opposite bank. I dismounted, ran forward, and examined the situation of the town as far as was practicable, without exposing myself; but the whole face of the country, from the Wabash to the margin of Eel river, being a continued thicket of brambles, black jacks, weeds and shrubs of different kinds, it was impossible for me to get a satisfactory view, without endangering a discovery. I immediately determined to post two companies on the bank of the river, opposite to the town, and above the ground I then occupied, to make a detour with Major Caldwell and the second battalion, until I fell into the Miami trace, and by that route to cross the river above, and gain the rear of the town, and to leave directions with Major McDowell, who commanded the first battalion, to lie perdue until I commenced the attack, then to dash through the river with his corps and the advanced guard, and assault the houses in front and upon the left. In the moment I was about to put this arrangement into execution, word was brought me that the enemy had taken the alarm, and were flying. I instantly ordered a general charge, which was obeyed with alacrity. The men, forcing their way over every obstacle, plunged through the river with vast intrepidity. The enemy was unable to make the smallest resistance. Six warriors, and (in the hurry and confusion of the charge) two squaws and a child, were killed; thirty-four prisoners were taken, and an unfortunate captive released, with the loss of two men killed and one wounded.

"I found this town scattered along Eel river for full three miles, on an uneven, scrubby oak barren, intersected alternately by bogs almost impassable, and impervious thickets of plum, hazel, and black jacks. Notwithstanding these difficulties, if I may credit the report of the prisoners, very few who were in town escaped. Expecting a second expedition, their goods

were generally packed up and buried. Sixty warriors had crossed the Wabash to watch the paths leading from the Ohio. The head chief, with all the prisoners, and a number of families, were out digging a root which they substitute in place of the potato; and about one hour before my arrival, all the warriors, except eight, had mounted their horses, and rode up the river to a French store to purchase ammunition. This ammunition had arrived from the Miami village that very day, and the squaws informed me was stored about two miles from the town. I detached Major Caldwell in quest of it; but he failed to make any discovery, although he scoured the country for seven or eight miles up the river.

"I encamped in the town that night, and the next morning I cut up the corn, scarcely in the milk, burned the cabins, mounted my young warriors, squaws, and children, in the best manner in my power, and leaving two infirm squaws and a child, with a short talk, I commenced my march for the Kickapoo town in the prairie. I felt my prisoners a vast incumbrance; but I was not in force to justify a detachment, having barely five hundred and twenty-three rank-and-file, and being then in the bosom of the Ouiatenon country, one hundred and eighty miles removed from succor, and not more than one and a half days' march from the Pottawattamies, Shawanees and Delawares.

"Not being able to discover any path in the direct course to the Kickapoo town, I marched by the road leading to Tippecanoe, in the hope of finding some diverging trace which might favor my design. I encamped, that evening, about six miles from Ke-na-pa-com-a-quā, the Indian name of the town I had destroyed, and marched next morning at four o'clock. My course continued west until nine o'clock, when I turned to the northwest, on a small hunting-path, and, at a short distance, I launched into the boundless prairies of the west, with the intention to pursue that course until I could strike a road which leads from the Pottawattamies of lake Michigan immediately to the town I sought. With this view, I pushed forward, through bog after bog, to the saddle-skirts in mud and water; and after persevering for eight hours, I found myself environed on all sides, by morasses which forbade my advancing, and, at the same time, rendered it difficult for me to extricate my little

army. The way by which we had entered was so much beat and softened by the horses, that it was almost impossible to return by that route; and my guides pronounced the morass in front impassable. A chain of thin groves, extending in the direction of the Wabash, at this time presented itself to my left. It was necessary I should gain these groves; and, for this purpose, I dismounted, went forward, and, leading my horse through a bog to the armpits in mud and water, with great difficulty and fatigue I accomplished my object; and, changing my course to south-by-west, I regained the Tippecanoe road at five o'clock, and encamped on it at seven o'clock, after a march of thirty miles, which broke down several of my horses. I am the more minute in detailing the occurrences of this day, because they produced the most unfavorable effects.

"I was in motion at four o'clock next morning, and at eight o'clock my advanced guard made some discoveries which induced me to believe we were near an Indian village. I immediately pushed that body forward in a trot, and followed with Major Caldwell and the second battalion; leaving Major McDowell to take the charge of the prisoners. I reached Tippecanoe at twelve o'clock, which had been occupied by the enemy, who watched my motions and abandoned the place that morning. After the destruction of this town, in June last, the enemy had returned and cultivated their corn and pulse, which I found in high perfection, and in much greater quantity than at l'Anguille, [the French name of Ke-na-pa-com-aqua.] To refresh my horses, and give time to cut down the corn, I determined to halt till the next morning, and then to resume my march to the Kickapoo town, on the prairie, by the road which leads from Ouiatenon to that place. In the course of the day, I had discovered some murmurings and discontent among the men, which I found, on inquiry, to proceed from their reluctance to advance farther into the enemy's country. This induced me to call for a state of the horses and provisions; when, to my great mortification, two hundred and seventy horses were returned lame and tired, with barely five days' provisions for the men. Under these circumstances, I was compelled to abandon my designs upon the Kickapoos of the prairies, and, with a degree of anguish not to be compre-

hended but by those who have experienced similar disappointments, I marched forward to a town of the same nation, situate about three leagues west of Ouiatenon: as I advanced to that town, the enemy made some show of fighting me, but vanished at my approach. I destroyed this town, consisting of thirty houses, with a considerable quantity of corn in the milk, and the same day I moved on to Ouiatenon, where I forded the Wabash, and proceeded to the site of the villages on the margin of the prairie, where I encamped at seven o'clock. At this town, and the villages destroyed by General Scott, in June, we found the corn had been replanted, and was now in high cultivation, several fields being well plowed; all of which was destroyed. On the 12th I resumed my march, and, falling into General Scott's return trace, I arrived, without any material incident, at the Rapids of the Ohio, on the 21st inst., [August,] after a march, by accurate computation, of four hundred and fifty-one miles from Fort Washington.

"The volunteers of Kentucky have, on this occasion, acquitted themselves with their usual good conduct: but, as no opportunity offered for individual distinction, it would be unjust to give one the plaudits to which they all have an equal title. I can not, however, in propriety, forbear to express my warm approbation of the good conduct of my majors, McDowell and Caldwell; and of Colonel Russell, who, in the character of a volunteer, without commission, led my advance; and I feel myself under obligations to Major Adair and Captain Parker, who acted immediately about my person, for the services they rendered me, by most prompt, active, and energetic exertions.

"The services which I have been able to render, fall short of my wishes, my intentions, and my expectations. But, sir, when you reflect on the causes which checked my career and blasted my designs, I flatter myself you will believe every thing has been done which could be done in my circumstances. I have destroyed the chief town of the Ouiatenon nation, and made prisoners of the sons and sisters of the king: I have burned a respectable Kickapoo village, and cut down at least four hundred and thirty acres of corn, chiefly in the milk. The Ouiatenons, [Weas,] left without houses, home, or provisions, must cease to war, and will find active employ to subsist their squaws and children during the impending winter."



CHAPTER XXIII.

ST. CLAIR'S EXPEDITION.

THE three successive expeditions, under Harmar, Scott, and Wilkinson, fell with considerable severity on the tribes of the Miami and Shawanee nations. Many of their people were killed; their principal villages were plundered and destroyed; their cultivated fields were laid waste; and a number of their men, women, and children, were taken and carried into captivity. But, impressed with the opinion that the United States wished to deprive them of their lands and exterminate their race, these tribes, instead of being subdued by their misfortunes, were aroused to a state of angry excitement which bordered on desperation. To aid them in their war against the United States, they called to their assistance numbers of warriors from the Delaware, Wyandot, Kickapoo, Pottawattamie, Ottawa, Chippewa, and other northern tribes; and while Governor St. Clair was making preparations to establish a military post at the Miami village, the Miami chief Little Turtle, the Shawanee chief Blue Jacket, and the Delaware chief Buck-ong-a-helas, were actively engaged in an effort to organize a confederacy of tribes sufficiently powerful to drive the white settlers from the territory lying on the northwestern side of the river Ohio. These chiefs received counsel and aid from Simon Girty, Alexander McKee, Matthew Elliott,* and from a number of British, French, and American traders, who generally resided among the Indians, and supplied them with arms and ammunition, in exchange for furs and peltries. At this time the government of Great Britain still supported garrisons at the posts of Niagara, Detroit, and Michilimacinae, notwithstanding it was declared, by the seventh article of the definitive treaty of peace of 1783, that the king of Great Britain would "with all convenient speed, and without causing any destruction, or carrying away any negroes or property of the American inhabitants,

*McKee and Elliott were subordinate agents in the British Indian Department.

withdraw all his forces, garrisons, and fleets, from the United States, and from every post, place, and harbor, within the same.”* It is here proper to note the grounds on which Great Britain, from 1783 to 1796, refused to withdraw her garrisons from the territory of the United States northwest of the river Ohio. The fourth article of the treaty of peace of 1783, was in these words, viz: “It is agreed that the creditors on either side shall meet with no lawful impediment to the recovery of the full value, in sterling money, of all bona fide debts heretofore contracted.”† On the 8th of December, 1785, John Adams, Esq., American minister at London, laid before the British secretary of state, a memorial which contained the following passages:

“Although a period of three years has elapsed since the signature of the preliminary treaty, and of more than two years since that of the definitive treaty, the posts of Oswegatchy, Oswego, Niagara, Presque Isle, Sandusky, Detroit, Michilimacinae, with others not necessary to be particularly enumerated, and a considerable territory round each of them, all within the incontestable limits of the United States, are still held by British garrisons, to the loss and injury of the United States. The subscriber, therefore, in the name and behalf of the said United States, and in obedience to their express commands, has the honor to require of his Britannic majesty’s ministry, that all his majesty’s armies and garrisons be forthwith withdrawn from the United States, from all and every of the posts and fortresses herein before enumerated, and from every other post, place, and harbor within the territory of the United States, according to the true intention of the treaties aforesaid.”‡

On the 28th of February, 1786, the British secretary of state, Lord Carmarthen, in an answer to Mr. Adams, said:—“I have to observe to you, sir, that it is his majesty’s fixed determination, upon the present as well as every other occasion, to act in perfect conformity to the strictest principles of justice and good faith. The seventh article, both of the provisional and of the definitive treaties between his majesty and the

*Laws of the United States, i, 205. †Laws of the United States, i, 204.

‡Secret Journal of Congress, iv, 186.

United States, clearly stipulates the withdrawing with all convenient speed, his majesty's armies, garrisons, and fleets, from the said United States, and from every post, place, and harbor within the same; and no doubt can possibly arise respecting either the letter or spirit of such an engagement. The fourth article of the same treaties as clearly stipulates, that creditors on either side shall meet with no lawful impediment to the recovery of the full value, in sterling money, of all bona fide debts heretofore contracted. The little attention paid to the fulfilling this engagement on the part of the subjects of the United States in general, and the direct breach of it in many particular instances,* have already reduced many of the king's subjects to the utmost degree of difficulty and distress; nor have their applications for redress, to those whose situations in America naturally pointed them out as the guardians of the public faith, been as yet successful in obtaining them that justice to which, on every principle of law, as well as of humanity, they were clearly and indisputably entitled. The engagements entered into by treaty ought to be mutual, and equally binding on the respective contracting parties. It would, therefore, be the height of folly, as well as injustice, to suppose one party alone obliged to a strict observance of the public faith, while the other might remain free to deviate from its own engagements, as often as convenience might render such deviation necessary, though at the expense of its own national credit and importance. I flatter myself, however, sir, that justice will speedily be done to British creditors; and I can assure you, sir, that whenever America shall manifest a real determination to fulfill her part of the treaty, Great Britain will not hesitate to prove her sincerity to coöperate in whatever points depend upon her for carrying every article of it into real and complete effect."†

In the answer from Lord Carmarthen to Mr. Adams, the government of the United States saw the ostensible grounds on which Great Britain continued to keep possession of the important military and trading-posts at Niagara, Detroit, and

* Soon after the treaty of peace was ratified, some of the States passed laws which were designed to restrain and impede the collection of debts due from American citizens to British subjects.

† Secret Journal of Congress, iv, 187.

Michilimacinac. There were other considerations, however, which, at this period, influenced, in no slight degree, the policy of the British ministry. The fur trade, a very profitable branch of commerce, was carried on almost exclusively by Englishmen and Canadians, who were subjects of Great Britain, and who, by intermarriages with squaws, and a pacific course of trade, had acquired considerable influence over all the Indian tribes of the country northwest of the Ohio. These advantages were too well understood, and too highly appreciated, by Great Britain, to be given up by that government while it could show either a good reason or a plausible pretext for retaining them; and, of course, the British cabinet viewed with feelings of disapprobation and jealousy, the efforts of the government of the United States to subjugate the Indian tribes, and to lay the foundations of independent States in the vast territories on the northwestern side of the river Ohio. Such were the views and sentiments of the British ministers in 1791, when Governor St. Clair was collecting an army at Fort Washington, for the purpose of establishing a strong military-post at the Miami village, in the midst of various tribes of Indians who were nominally under the protection of Great Britain.

On the 28th of March, 1791, Governor St. Clair left the city of Philadelphia, and proceeded to Pittsburg, which place he reached on the 16th of April. From Pittsburg he went to Lexington, in the district of Kentucky; and from thence to Fort Washington, where he arrived on the 15th of May. At this time, the garrison of regular troops at Fort Washington consisted of seventy-five non-commissioned officers and privates fit for duty. At Fort Harmar, the garrison consisted of forty-five, rank and file; at Fort Steuben, there were sixty-one regulars; and at Fort Knox (Vincennes) eighty-three. About the 15th of July, the whole of the first United States regiment, amounting to two hundred and ninety-nine non-commissioned officers and privates, arrived at Fort Washington, under orders from Governor St. Clair, the commander-in-chief. General Richard Butler, who, early in 1791, was appointed second in command of the proposed expedition against the Miami village, immediately after his appointment began to make arrangements for raising the number of regular troops authorized by the act of Congress, of the 3d of March. The recruits were drawn

principally from the States of New Jersey, Pennsylvania, Maryland, and Virginia; but they were raised slowly, owing partly to the fact that the wages of a daily laborer was greater than that which was paid to a common soldier. The business of the quartermaster's department was managed very badly; and other embarrassing circumstances impeded the operations of St. Clair and Butler, during the spring and summer of 1791. Although the most active exertions were made to raise the required number of troops, and march them to the frontiers, the army was not collected at Fort Washington until the month of September, nor was the establishment even then complete. By virtue of the powers with which Governor St. Clair was invested, he made a call for one thousand one hundred and fifty militia from the district of Kentucky, to supply the deficiency of the regular recruits. Of this number only about four hundred and eighteen Kentucky militia appeared at Fort Washington to join the expedition.

Early in the month of September, the main body of the army, under the immediate command of General Butler, moved from Ludlow's Station, in the vicinity of Fort Washington, and continued its march northward about twenty-five miles, when, on the 17th of September, it halted on the eastern bank of the Great Miami river, and erected a fort which was called Fort Hamilton. Having completed this fort, the army, on the 4th of October, continued its march toward the Miami village, and at a point about forty-two miles in advance of Fort Hamilton, the army halted and erected another fort, which was called Fort Jefferson. This fort was built on a site which lies about six miles south of the present town of Greenville, in Darke county, Ohio. The army was delayed five or six days, on the march from Fort Jefferson, on account of the want of provisions; and the season was so far advanced that sufficient green forage could not be procured for the horses. The following memoranda are extracted from the journal of Governor St. Clair:

"24th October, 1791.—Named the Fort Jefferson, (it lies in lat. $40^{\circ} 4' 22''$ north,) and marched, the same Indian path serving to conduct us about six miles, and encamped on good ground and an excellent position—a rivulet in front, and a very large prairie, which would, at the proper season, afford

forage for a thousand horses, on the left. So ill this day that I had much difficulty in keeping with the army.

"25th.—Very hard rains last night: obliged to halt to-day, on account of provisions; for though the soldiers may be kept pretty easy in camp, under the expectation of provisions arriving, they can not bear to march in advance, and take none along with them. I received a letter from Mr. Hodgdon by express; thirteen thousand pounds of flour will arrive on the 27th.

"26th.—A party of militia, sent to reconnoiter, fell in with five Indians and suffered them to slip through their fingers: in their camp articles to the value of twenty-five dollars were found and divided."

"28th.—Some few Indians about us; probably those the militia fell in with a day or two ago. Two of the levies were fired on about three miles off: one killed; two of the militia likewise; one of them got in; the other missing; supposed to be taken."

"30th.—The army moved about nine o'clock, and, with much difficulty made seven miles, having left a considerable part of the tents by the way; the provision made by the quartermaster for that purpose was not adequate; three days' flour issued to the men, to add the horses that carried it to his arrangements: the Indian road still with us. The course this day north 25° west.

"31st.—This morning about sixty of the militia deserted: it was at first reported that one half of them had gone off, and that their design was to plunder the convoys [of provisions, etc.] which were upon the roads. Detached the first regiment in pursuit of them, with orders to Major Hamtramck to send a sufficient guard back with [the convoy under] Benham, and to follow the militia about twenty-five miles below Fort Jefferson, or until he met the second convoy, and then return and join the army.

"1st November.—Benham arrived last night; and to-day the army is halted, to give the road cutters an opportunity of getting some distance ahead. * * * I am this day considerably recovered, and hope that it will turn out what I at first expected it would be, a friendly fit of the gout come to relieve me from every other complaint."

On the 3d of November, the main army, consisting of about fourteen hundred effective men, moved forward to a point near which Fort Recovery was afterward erected. Here, on the head waters of the Wabash river, among a number of small creeks, the army encamped. The right wing of the army, commanded by Major-general Butler, and composed of the battalions under Majors Butler, Clarke, and Patterson, lay in front of a creek about twelve yards wide, and formed the first line. The left wing, composed of the battalions under Bedinger and Gaither, and the second regiment under the command of Lieutenant-colonel William Darke, formed the second line. Between the two lines there was a space of about seventy yards, which was all that the ground would allow. The right flank was supposed to be protected by the creek; and the left was covered by a steep bank, a corps of cavalry, and some piquets. The militia marched over the creek, and encamped in two lines, about one quarter of a mile in advance of the main army. There was snow on the ground; and two rows of fires were made between Butler's and Darke's lines, and also two rows between the lines of the militia. While the militia were crossing the creek a few Indians were seen hovering about the army, but they fled precipitately as soon as they were discovered.

At this time the Little Turtle, Blue Jacket, Buck-ong-a-he-las, and other Indian chiefs of less distinction, were lying a few miles distant from St. Clair's army, with about twelve hundred warriors, awaiting a favorable moment to begin an attack. Simon Girty, and some other white men were with the Indians.

In a letter, dated "Fort Washington, November 9th, 1791," and addressed to the secretary of war, Governor St. Clair said:—"At this place, [the ground on which the army was encamped on the evening of the 3d of November,] which I judged to be about fifteen miles from the Miami village, I determined to throw up a slight work, the plan of which was concerted that evening with Major Ferguson, wherein to have deposited the men's knapsacks, and every thing else that was not of absolute necessity, and to have moved on to attack the enemy as soon as the first regiment was come up. But they did not permit me to execute either: for, on the 4th, about

half an hour before sunrise, and when the men had been just dismissed from parade, (for it was a constant practice to have them all under arms a considerable time before daylight,) an attack was made upon the militia. Those gave way in a very little time and rushed into camp through Major Butler's battalion, (which, together with a part of Clarke's, they threw into considerable disorder, and which, notwithstanding the exertions of both those officers, was never altogether remedied,) the Indians following close at their heels. The fire, however, of the front line checked them; but almost instantly a very heavy attack began upon that line; and in a few minutes it was extended to the second likewise. The great weight of it was directed against the center of each, where the artillery was placed, and from which the men were repeatedly driven with great slaughter. Finding no great effect from our fire, and confusion beginning to spread from the great number of men who were falling in all quarters, it became necessary to try what could be done by the bayonet. Lieutenant-colonel Darke was accordingly ordered to make a charge with part of the second line, and to turn the left flank of the enemy. This was executed with great spirit. The Indians instantly gave way, and were driven back three or four hundred yards; but for want of a sufficient number of riflemen to pursue this advantage, they soon returned, and the troops were obliged to give back in their turn. At this moment they had entered our camp by the left flank, having pushed back the troops that were posted there. Another charge was made here by the second regiment, Butler's and Clarke's battalions, with equal effect, and it was repeated several times and always with success: but in all of them many men were lost, and particularly the officers, which, with so raw troops, was a loss altogether irremediable. In that I just spoke of, made by the second regiment and Butler's battalion, Major Butler was dangerously wounded, and every officer of the second regiment fell except three, one of which, Mr. Greaton, was shot through the body.

"Our artillery being now silenced, and all the officers killed except Captain Ford, who was very badly wounded, and more than half of the army fallen, being cut off from the road, it became necessary to attempt the regaining of it, and to make

a retreat, if possible. To this purpose the remains of the army was formed, as well as circumstances would admit, toward the right of the encampment, from which, by the way of the second line, another charge was made upon the enemy, as if with the design to turn their right flank, but in fact, to gain the road. This was effected, and, as soon as it was open, the militia took along it, followed by the troops: Major Clark, with his battalion, covering the rear.

"The retreat, in those circumstances, was, you may be sure, a very precipitate one. It was, in fact, a flight. The camp and the artillery were abandoned: but that was unavoidable; for not a horse was left alive to have drawn it off, had it otherwise been practicable. But, the most disgraceful part of the business is, that the greatest part of the men threw away their arms and accouterments, even after the pursuit, which continued about four miles, had ceased. I found the road strewed with them for many miles, but was not able to remedy it; for, having had all my horses killed, and being mounted upon one that could not be pricked out of a walk, I could not get forward myself; and the orders I sent forward either to halt the front, or to prevent the men from parting with their arms, were unattended to. The rout continued quite to Fort Jefferson, twenty-nine miles, which was reached a little after sunset.

"The action began about half an hour before sunrise, and the retreat was attempted at half an hour after nine o'clock. I have not yet been able to get returns of the killed and wounded; but Major-general Butler, Lieutenant-colonel Oldham, of the militia, Major Ferguson, Major Hart, and Major Clarke, are among the former: Colonel Sargent, my adjutant-general, Lieutenant-colonel Darke, Lieutenant-colonel Gibson, Major Butler, and the Viscount Malartie, who served me as an aid-de-camp, are among the latter; and a great number of captains and subalterns in both.

"I have now, sir, finished my melancholy tale—a tale that will be felt sensibly by every one that has sympathy for private distress, or for public misfortune. I have nothing, sir, to lay to the charge of the troops, but their want of discipline, which, from the short time they had been in service, it was impossible they should have acquired, and which rendered it very difficult, when they were thrown into confusion, to reduce them again

to order, and is one reason why the loss has fallen so heavy on the officers, who did every thing in their power to effect it. Neither were my own exertions wanting: but, worn down with illness, and suffering under a painful disease, unable either to mount or dismount a horse without assistance, they were not so great as they otherwise would, and perhaps ought to have been. We were overpowered by numbers; but it is no more than justice to observe, that, though composed of so many different species of troops, the utmost harmony prevailed through the whole army during the campaign. At Fort Jefferson I found the first regiment, which had returned from the service they had been sent upon, without either overtaking the deserters, or meeting the convoy of provisions. I am not certain, sir, whether I ought to consider the absence of this regiment from the field of action, as fortunate, or otherwise. I incline to think it was fortunate: for, I very much doubt whether, had it been in the action, the fortune of the day had been turned; and, if it had not, the triumph of the enemy would have been more complete, and the country would have been destitute of every means of defense. Taking a view of the situation of our broken troops at Fort Jefferson, and that there was no provision in the fort, I called upon the field-officers, viz: Lieutenant-colonel Darke, Major Hamtramck, Major Zeigler, and Major Gaither, together with the adjutant-general, [Winthrop Sargent,] for their advice what would be proper further to be done; and it was their unanimous opinion, that the addition of the first regiment, unbroken as it was, did not put the army on so respectable a foot as it was in the morning, because a great part of it was now unarmed; that it had then been found unequal to the enemy, and should they come on, which was possible, would be found so again: that the troops could not be thrown into the fort, both because it was too small, and that there were no provisions in it: that provisions were known to be upon the road, at the distance of one, or at most two marches: that, therefore, it would be proper to move, without loss of time, to meet the provisions, when the men might have the sooner an opportunity of some refreshment, and that a proper detachment might be sent back with it, to have it safely deposited in the fort. This advice was accepted, and the army was put in motion at ten o'clock, and marched

all night, and the succeeding day met with a quantity of flour. Part of it was distributed immediately, part taken back to supply the army on the march to Fort Hamilton, and the remainder, about fifty horse loads, sent forward to Fort Jefferson. The next day, a drove of cattle was met with for the same place, and I have information that both got in. The wounded, who had been left at that place, were ordered to be brought to Fort Washington by the return horses.

“I have said, sir, in a former part of this letter, that we were overpowered by numbers. Of that, however, I have no other evidence but the weight of the fire, which was always a most deadly one, and generally delivered from the ground—few of the enemy showing themselves afoot, except when they were charged; and that, in a few minutes, our whole camp, which extended above three hundred and fifty yards in length, was entirely surrounded, and attacked on all quarters. The loss, sir, the public has sustained by the fall of so many officers, particularly General Butler and Major Ferguson, can not be too much regretted; but it is a circumstance that will alleviate the misfortune in some measure, that all of them fell most gallantly doing their duty. I have had very particular obligations to many of them, as well as to the survivors, but to none more than to Colonel Sargent. He has discharged the various duties of his office with zeal, with exactness, and with intelligence; and, on all occasions, afforded me every assistance in his power, which I have also experienced from my aid-de-camp, Lieutenant Denny, and the Viscount Malartie, who served with me in the station as a volunteer.”

In the disastrous action of the 4th of November, 1791, St. Clair lost thirty-nine officers killed, and five hundred and ninety-three men killed and missing. Twenty-two officers, and two hundred and forty-two men, were wounded. The officers killed were:—Major-general Richard Butler, Lieutenant-colonel Oldham, of the Kentucky militia; Majors Ferguson, Clarke, and Hart; Captains Bradford, Phelon, Kirkwood, Price, Van Swearingen, Tipton, Smith, Purdy, Piatt, Guthrie, Cribbs, and Newman; Lieutenants Spear, Warren, Boyd, McMath, Read, Burgess, Kelso, Little, Hopper, and Lickens; Ensigns Balch, Cobb, Chase, Turner, Wilson, Brooks, Beatty, and Purdy; Quartermasters Reynolds and Ward; Adjutant Anderson; and

Doctor Grasson. The officers wounded were:—Lieutenant-colonels Gibson, Darke, and Sargent, (adjutant-general;) Major Butler; Captains Doyle, Trueman, Ford, Buchanan, Darke, and Hough; Lieutenants Greaton, Davidson, De Butts, Price, Morgan, McCrea, Lysle, and Thomson; Ensign Bines; Adjutants Whisler and Crawford; and the Viscount Malartie, volunteer aid-de-camp to the commander-in-chief. Several pieces of artillery, and all the baggage, ammunition, and provisions, were left on the field of battle, and fell into the hands of the Indians. The stores and other public property, lost in the action, were valued at thirty-two thousand eight hundred and ten dollars and seventy-five cents.* The loss of the Miamis and their confederates has never been satisfactorily ascertained; but it did not, probably, exceed one hundred and fifty in killed and wounded.

With the army of St. Clair, following the fortunes of their husbands, there were more than one hundred women.† Very few escaped the carnage of the 4th of November, and after the flight of the remnant of the army, the Indians began to avenge their own real and imaginary wrongs by perpetrating the most horrible acts of cruelty and brutality upon the bodies of the living and the dead Americans who fell into their hands. Believing that the whites, for many years, made war merely to acquire land, the Indians crammed clay and sand into the eyes and down the throats of the dying and the dead. The field of action was visited by Brigadier-general James Wilkinson, at the head of a small detachment of mounted militia, on the 1st of February, 1792, about three months after the battle. In a letter, dated "Fort Washington, 13th February, 1792," written by Captain Robert Buntin, and addressed to Governor St. Clair, this expedition of Wilkinson is noticed as follows:

"I went with General Wilkinson to the field of action to recover the artillery carriages, which he was informed remained there, and to bury the dead. His little army for this excursion was composed of about one hundred and fifty regulars, and one

* Report of Secretary of War, December 11, 1792.

† Atwater, in his History of Ohio, says "there were about two hundred and fifty women."

hundred and thirty-one volunteer militia on horseback. He has a good talent for pleasing the people: there is no person in whom they have more confidence: none more capable to lead them on. It appears as if he made the Indian mode of warfare his study since he first came to this country. I think him highly worthy your friendship, from his attachment to your person and interest.

“The regulars left Fort Washington, as an escort to provisions for Fort Jefferson, on the 24th ultimo—the snow about ten inches deep—and we marched next morning with the volunteers. The sledges which transported the forage delayed us so much that we did not get to Fort Jefferson until the 30th, about twelve o’clock. The general was much longer in getting to this place than he expected; and in order to expedite the business and avoid expense, he ordered the regulars to return to Fort Washington. This morning, [30th,] the wind from the southward, with a constant fall of snow, rain, and hail, and a frost the following night, made the breaking of the road very difficult: though the front was changed every fifteen or twenty minutes, the road was marked with the horses’ blood from the hardness of the crust on the snow. We left Fort Jefferson about nine o’clock on the 31st, with the volunteers, and arrived within eight miles of the field of battle that evening, and next day we arrived at the ground about ten o’clock. The scene was truly melancholy. In my opinion those unfortunate men who fell into the enemy’s hands, with life, were used with the greatest torture—having their limbs torn off; and the women have been treated with the most indecent cruelty, having stakes as thick as a person’s arm, drove through their bodies. The first, I observed when burying the dead; and the latter was discovered by Colonel Sargent and Doctor Brown. We found three whole carriages; the other five were so much damaged that they were rendered useless. By the general’s orders pits were dug in different places, and all the dead bodies that were exposed to view, or could be conveniently found (the snow being very deep) were buried. During this time there were sundry parties detached, some for our safety, and others in examining the course of the creek; and some distance in advance of the ground occupied by the militia, they found a large camp, not less than three quarters

of a mile long, which was supposed to be that of the Indians the night before the action. We remained on the field that night, and next morning fixed geared horses to the carriages, and moved for Fort Jefferson. * * * As there is little reason to believe that the enemy have carried off the cannon, it is the received opinion that they are either buried, or thrown into the creek, and I think the latter the most probable; but, as it was frozen over with a thick ice, and that covered with a deep snow, it was impossible to make a search with any prospect of success. In a former part of this letter I have mentioned the camp occupied by the enemy the night before the action: had Colonel Oldham been able to have complied with your orders on that evening, things at this day might have worn a different aspect."

The defeat of the expedition under the command of St. Clair disappointed the expectations of the general government of the United States, alarmed the inhabitants of the western districts of Pennsylvania and Virginia, and checked, for a short period, the tide of emigration which had been flowing from the eastern and middle States into the territory northwest of the Ohio. The principal causes of the failure of the expedition were, the mismanagement of the quartermaster's department, the unfavorable season at which the army marched to attack the Indians, and the want of discipline in the troops. The failure of the expedition can not justly be imputed to the conduct of the commander-in-chief, at any time before or during the battle. St. Clair, however, resigned the office of major-general; and Anthony Wayne, a native of Chester county, Pennsylvania, and a distinguished officer of the revolutionary war, was appointed to fill his place. This officer, then in the forty-seventh year of his age, was intelligent, courageous, cautious, and energetic; and with him, in command, were associated Brigadier-generals James Wilkinson and Thomas Posey, who, as officers in the revolutionary war, had acquired fair military reputation. Early in 1792 provisions were made by the general government for reorganizing the military establishment of the United States, so that the army should consist of five thousand one hundred and twenty non-commissioned officers, privates and musicians; and it was determined that an adequate part of this force, which was called the Legion of the United

States, should be raised as soon as possible, and placed upon the western frontiers, under the command of Major-general Wayne, and disciplined according to the nature of the service, in order to meet, with a prospect of success, the greatest probable combination of the hostile Indians. In the early part of the month of June, 1792, Wayne arrived at Pittsburg, which was the place appointed for the rendezvous of the new recruits. Many of the most experienced officers having been slain in the defeats of Harmar and St. Clair, and others having resigned their commissions, the duties of Wayne became arduous and full of perplexity. Several of the officers under his command, and nearly all the private soldiers were ignorant of military tactics and without discipline; but, in the words of a credible writer,* “by the salutary measures adopted to introduce order and discipline, the army soon began to assume its proper character. The troops were daily exercised in all the evolutions necessary to render them efficient soldiers, and more especially in those manœuvres proper in a campaign against savages. Firing at a mark was constantly practiced, and rewards given to the best marksmen. To inspire emulation, the riflemen and the infantry strove to excel, and the men soon attained to an accuracy that gave them confidence in their own progress. On the artillery the general impressed the importance of that arm of the service. The dragoons he taught to rely on the broadsword, as all important to victory. The riflemen were made to see how much success must depend on their coolness, quickness, and accuracy; while the infantry were led to place entire confidence in the bayonet, as the certain and irresistible weapon before which the savages could not stand. The men were instructed to charge in open order; each to rely on himself, and to prepare for a personal contest with the enemy.”

On the 28th of November, 1792, the army left Pittsburg, and moved down the Ohio about twenty-two miles, to a point which was named Legionville, where it remained until the 30th of April, 1793, when it moved in boats down the river to Fort Washington; and encamped near that fort at a place which was called “Hobson’s Choice.” At this place the main

* Vide Atkinson’s Casket, for 1830, quoted in Hall’s Life of General Harrison, p. 25.

army was kept until the 7th of October, 1793: on the 23d of October the effective force under the command of Wayne amounted to about three thousand six hundred and thirty men. In addition to this force, a small number of friendly Indians, principally from the south, were engaged as auxiliaries in the service of the United States. Among these Indians there were about sixty Choctaws, under the command of a chief who was called General Humming Bird. In a report which was laid before the President of the United States, on the 26th of December, 1791, the secretary of war said, "The expediency of employing the Indians in alliance with us, against the hostile Indians, can not be doubted. It has been shown before, how difficult, and even impracticable it will probably be to restrain the young men of the friendly tribes from action, and that if we do not employ them, they will be employed against us. The justice of engaging them would depend on the justice of the war. If the war be just on our part, it will certainly bear the test of examination, to use the same sort of means in our defense, as are used against us. The subscriber, therefore, submits it as his opinion, that it would be proper to employ judiciously, as to time and circumstances, as many of the friendly Indians as may be obtained, not exceeding one thousand in number."

CHAPTER XXIV.

INDIAN AFFAIRS IN THE WEST.

FROM the early part of the year 1792 to the 16th of August 1793, while Major-general Wayne was recruiting and organizing his army, the government of the United States continued to make efforts to establish treaties of peace and friendship with the hostile tribes of the northwestern territory. In order to effect this object, and to acquire information of the movements and designs of the Indians, messengers with speeches,

commissioners invested with powers to make treaties, and spies with secret instructions, were almost constantly employed, by the government and its officers. The messengers and the commissioners were instructed to assure the Indians, "*in the strongest and most explicit terms*, that the United States renounced all claim to any Indian land which had not been ceded, by fair treaties, made with the Indian nations;"* and, for the purpose of informing the Indians of the extent of the claims of the United States, the commissioners were furnished with copies of the following treaties:—1. A copy of the treaty of Fort Stanwix, made on the 22d of October, 1784. 2. A copy of the treaty of Fort McIntosh, made on the 21st of January, 1785. 3. A copy of the treaty made at the mouth of the Great Miami river, on the 31st of January, 1786. 4. Copies of the treaties made at Fort Harmar, on the 9th of January, 1789. To promote the object of the commissioners and the messengers, Wayne was instructed, in April, 1792, to issue a proclamation, informing the people of the frontiers of the proposed attempts to conclude a treaty of peace, and prohibiting all offensive movements of the whites, to the northward of the Ohio, until they should receive further information on the subject.

At Vincennes, in March, 1792, Major Hamtramck concluded treaties of peace with some small parties of the Wea and Eel river tribes; and about the same time he dispatched several messages to the hostile tribes.

On the 7th of April, 1792, Brigadier-general Wilkinson sent two messengers, (Freeman and Gerrard,) from Fort Washington, with a speech to the Indians on the Maumee. These messengers were captured by a party of Indians, who, on being informed that their captives were messengers of peace, spared their lives, and conducted them toward the rapids of the Maumee; but, while moving on the route to that place, Freeman and Gerrard asked so many questions concerning the numbers of different tribes, the course of streams, etc., that their conductors took them to be spies, and killed them when they were within one day's march of the main body of the Indian councils.

* Instructions from the Secretary of War to General Rufus Putnam, 22d of May, 1792.

The following extract of a letter, (dated "Fort Washington, April 10, 1792,") from Brigadier-general Wilkinson to Captain John Armstrong, then the commanding officer at Fort Hamilton, will throw some light upon the nature of the perilous service of those who were employed as spies:

"My messengers, Freeman at the head, left this on the 7th, with a 'big talk,' and are ordered to keep Harmar's trace, which will be an evidence to the enemy that they have no sinister designs in contemplation. If they are received, and are suffered to return, they have my directions to come by Fort Jefferson. You must order William May to desert in a day or two, or must cover his departure by putting him in the way to be taken prisoner—as you may deem best. I consider the first preferable in one point of view; that is, it would guard him effectually against any real desertion which may hereafter take place. It will be exceedingly difficult, if not impracticable, for him ever to make a second trip with success. However, that will depend, in a great measure, upon the fertility of his own genius.

"He should cross the Miami at or near your post, and keep a due north course—remarking critically, the distance, ground, and water-courses over which he may pass, until he strikes the St. Mary's, the site of the old Miami village, and the first town. His first business will be to find out what has become of my messengers. If they have been received and well treated, he may authenticate the sincerity and good faith which has prescribed their journey. For this purpose, he must be made acquainted with the departure of the messengers, and the order restraining offensive hostilities. But if they have been killed, or made prisoners, and the enemy positively refuse to treat, then, so soon as he clearly ascertains these facts, he must return to us, by the nearest and safest route. If this occasion should not present, he is to continue with the enemy—and is, at all events, to acquire their confidence. To this end, he must shave his head—assume their dress—adopt their habits and manners—and always be ready for the hunt, or for war. His greatest object, during his residence with the enemy, will be to find out the names of the nations which compose the confederacy now at war—their numbers, and the situation of their respective towns, as to course and distance from the old Miami

village, and the locality of each. He will discover the names, residence, interests, and influence of all the white men now connected with those savages; and whether the British stimulate, aid, or abet them, and in what manner—whether openly, by the servants of government, or indirectly, by traders. He will labor to develop what are the general determinations of the savages, in case the war is continued, and we gain possession of their country. Having made himself master of these points, or as far as may be practicable, he will embrace the first important occasion to come in to us. Such will be the moment when the enemy collectively take the field and advance against our army, or a detachment of it, and have approached it within a day's march.

“Should he execute this mission with integrity and effect, I pledge myself to restore him to his country, and will use my endeavors to get him some little establishment, to make his old age comfortable.”*

About the 20th of May, 1792, Major Alexander Trueman, of the first United States regiment, and Colonel John Hardin, of Kentucky, left Fort Washington with copies of a speech from President Washington to the hostile Indians. Major Trueman was engaged in this service by his own consent and desire, and he was joined by Colonel Hardin, who undertook to discharge the duties of a peace-messenger, at the request of Wilkinson. The speech with which these officers were charged was addressed “To all the Sachems and Warriors of the tribes inhabiting the Miami river of lake Erie, and the waters of the Wabash river, the Wyandots, Delawares, Ottawas, Chippewas, Pottawattamies, and all other tribes residing to the southward of the lakes, east of the Mississippi, and to the northward of the river Ohio;” and it contained the passages which follow:

“BROTHERS:—The President of the United States, General Washington, the great chief of the nation, speaks to you by this address. Summon, therefore, your utmost powers of atten-

* May deserted, according to orders, and continued to reside among the Indians until the latter part of September, 1792, when he left them, and arrived at Pittsburg, and made a report to Major-general Wayne. On the 18th of August, 1794, May was captured by the Indians, near the rapids of the Maumee: on the next day he was tied to a tree and shot.

tion, and hear the important things which shall be spoken to you concerning your future welfare; and after having heard and well understood all things, invoke the Great Spirit above to give you due deliberation and wisdom, to decide upon a line of conduct that shall best promote your happiness, and the happiness of your children, and perpetuate you and them on the land of your forefathers. Brothers: The President of the United States entertains the opinion that the war which exists is founded in error and mistake on your parts: that you believe the United States wants to deprive you of your lands, and drive you out of the country. Be assured this is not so: on the contrary, that we should be greatly gratified with the opportunity of imparting to you all the blessings of civilized life, of teaching you to cultivate the earth, and raise corn; to raise oxen, sheep, and other domestic animals; to build comfortable houses, and to educate your children, so as ever to dwell upon the land.

* * * War, at all times, is a dreadful evil to those who are engaged therein, and more particularly so where a few people engage to act against so great numbers as the people of the United States. Brothers: Do not suffer the advantages you have gained to mislead your judgment, and influence you to continue the war; but reflect upon the destructive consequences which must attend such a measure. The President of the United States is highly desirous of seeing a number of your principal chiefs, and convincing you, in person, how much he wishes to avoid the evils of war for your sake, and the sake of humanity. Consult, therefore, upon the great object of peace; call in your parties, and enjoin a cessation of all further depredations; and as many of the principal chiefs as shall choose, repair to Philadelphia, the seat of the general government, and there make a peace, founded on the principles of justice and humanity. Remember that no additional lands will be required of you, or any other tribe, to those that have been ceded by former treaties, particularly by the tribes who had a right to make the treaty of Muskingum, [Fort Harmar,] in the year 1789. But, if any of your tribes can prove that you have a fair right to any lands comprehended by the said treaty, and have not been compensated therefor, you shall receive a full satisfaction upon that head. The chiefs you send shall be safely escorted to this city; and shall be well fed and provided

with all things for their journey. * * * Come, then, and be convinced for yourselves, of the beneficence of General Washington, the great chief of the United States, and afterward return and spread the glad tidings of peace and prosperity of the Indians to the setting sun."

By an agreement between Hardin and Trueman, they resolved to follow Harmar's trace for some distance, and then to separate; the former to go among the Indians about Sandusky, and the latter to proceed to the rapids of the Maumee. These officers lost their lives on their mission of peace. The place and the circumstances of their death are involved in obscurity. A deposition which was made by William May,* before Major General Wayne, on the 11th of October, 1792, contained the statement which here follows:—"That, in the latter end of June, [1792,] some Indians came on board the vessel for provisions; among whom was one who had two scalps upon a stick; one of them he knew to be William Lynch's, (Major Trueman's waiter,) with whom he [May] was well acquainted; he had light hair. That he mentioned at once whose scalp it was. The other they said was Major Trueman's: it was darker than Lynch's. The manner in which Trueman was killed, was mentioned by the Indian who killed him, to an Indian who used to go in the vessel with May, in his presence, and immediately interpreted, viz: This Indian and an Indian boy having met with Trueman, his waiter Lynch, and the interpreter William Smalley; that Trueman gave the Indian a belt; that after being together three or four hours the Indians were going to leave them. Trueman inquired the reason from the interpreter, who answered that the Indians were alarmed, lest there being three to two, they might injure them in the night. Upon which Trueman told them they might tie both his servant and himself. That his boy Lynch was first tied and then Trueman. The moment Trueman was tied, the Indian tomahawked and scalped him, and then the boy. That the papers in possession of Trueman were given to Mr. McKee, who sent

* May, after leaving Fort Hamilton, was captured by a party of Indians, and by them sold to Captain Matthew Elliott, who placed him on board of a small schooner, which was used to transport provisions, etc., from Detroit to the Rapids of the Maumee. Colonel Alexander McKee and Captain Elliott kept stores at the Rapids.

them by a Frenchman called Captain Le Motte, to Detroit, on board the schooner of which he, May, had the charge. That, upon his return from Detroit to the rapids [of the Maumee] he saw a scalp said to be Hardin's; that he also saw a flag by the route of Sandusky; and that the hair was dark brown; but don't know by what nation he was killed: these papers were also sent to Detroit, on board the schooner, by Mr. Elliott. That a Captain Brumley, of the fifth British regiment, was in the action [of the 4th of November, 1791], but did not learn that he took any command; that Lieutenant Sylvey, of the same regiment was on his march with three hundred Indians, but did not get up in time to participate in the action; that Simon Girty told him there were twelve hundred Indians at the place, but three hundred of them did not engage, who were taking care of the horses, exclusive of the three hundred with Lieutenant Sylvey; in all fifteen hundred. * * * That it was the common opinion, and the common conversation that no peace would take place, unless the Ohio river be established as the boundary line between the Indians and the Americans."

At Vincennes, on the 27th of September, 1792, Brigadier-general Rufus Putnam, being accompanied on his mission by John Heckewelder, concluded a treaty of peace and friendship with thirty-one Indians of the Wabash and Illinois tribes. The following is a copy of this treaty:

"A treaty of peace and friendship made and concluded between the President of the United States of America, on the part of the said States, and the undersigned kings, chiefs, and warriors of the Wabash and Illinois Indian tribes, on the part and behalf of the said tribes:

"The parties being desirous of establishing a permanent peace and friendship between the United States and the said Indian tribes, and the citizens and members thereof, and to remove the causes of war, the President of the United States by Rufus Putnam, one of the Judges of the Territory of the United States northwest of the river Ohio, and Brigadier-general in the army, whom he hath vested with full powers for these purposes; and the said Wabash and Illinois tribes, by the undersigned kings, chiefs, and warriors, representing the said tribes, have agreed to the following articles, viz:

“Article 1.—There shall be perpetual peace and friendship between all the citizens of the United States of America, and all the individuals, villages, and tribes, of the said Wabash and Illinois Indians.

“Article 2.—The undersigned kings, chiefs, and warriors, for themselves, and all parts of their villages and tribes, do acknowledge themselves to be under the protection of the United States of America, and stipulate to live in amity and friendship with them.

“Article 3.—The said tribes shall deliver, as soon as practicable, to the commanding officer at Fort Knox, all citizens of the United States, white inhabitants or negroes, who are now prisoners among any of the said tribes.

“Article 4.—The United States solemnly guaranty to the Wabash and Illinois nations or tribes of Indians, all the lands to which they have a just claim; and no part shall ever be taken from them but by a fair purchase, and to their satisfaction. That the lands originally belonged to the Indians: it is theirs, and theirs only. That they have a right to sell, and a right to refuse to sell. And that the United States will protect them in their said just rights.

“Article 5.—The said kings, chiefs, and warriors solemnly promise, on their part, that no future hostilities or depredations shall be committed by them, or any belonging to the tribes they represent, against the persons or property of any of the citizens of the United States. That the practice of stealing negroes and horses from the people of Kentucky, and other inhabitants of the United States, shall for ever cease. That they will, at all times, give notice to the citizens of the United States of any designs which they may know or suspect to be formed, in any neighboring tribe, or by any person whatever, against the peace and interest of the United States.

“Article 6.—In cases of violence on the persons or property of the individuals of either party, neither retaliation or reprisal shall be committed by the other until satisfaction shall have been demanded of the party of which the aggressor is, and shall have been refused.

“Article 7.—All animosities for past grievances shall henceforth cease, and the contracting parties will carry the foregoing treaty into full execution, with all good faith and sincerity.

"In witness of all and every thing herein determined, between the United States of America and the villages and tribes of the undersigned kings, chiefs, and warriors, the parties have hereunto set their hands and seals, at Post Vincennes, on the Wabash river, this twenty-seventh day of September, 1792.

RUFUS PUTNAM,

Brigadier-general, and Agent for making peace with the Indians.

[Signed by thirty-one Indians of the Wabash and Illinois tribes.*]

Early in the summer of 1792, Major Hamtramek received a speech from Lagesse, the principal chief of the Pottawattamie nation. In this speech the chief said—"We are very glad to hear from you; but sorry we can not comply with your request, [to send a deputation of chiefs to Fort Washington.] The situation of affairs in this country prevents us. We are, every day, threatened by the other Indians, that if we do not take a part with them against the Americans, they will destroy our villages. This, alone, my father, makes it necessary for all the chiefs to remain at home. * * * My father: You tell us you are ignorant why the red people makes war on your white people. We are as ignorant of it as you are: for, ever since the beginning of the war, we have lain still in our villages, although we have been repeatedly invited to go to war; but, my father, the confidence we have in you has prevented us from making war against you, and we hold you by the hand with a stronger grip than ever. My father: Keep up your spirits more than ever; for you have this year more red people to fight than you have had yet. * * * If I could give you a hand I would do it; but I can not: and I am glad if me and my people can have a quiet life this summer. If I had been disposed to believe all the reports I have heard, I would have made your messengers prisoners; for we are told they are spies, and that you have an army coming against us; but I am deaf to every thing that comes from the Miamis. Every

* This treaty was laid before the Senate of the United States, on the 13th of February, 1793. The fourth article was deemed particularly objectionable; and the Senate, after several consultations, finally, on the 9th of January, 1794, refused to ratify the treaty, by a vote of 21 to 4.—[See Executive Journal of the Senate, i. 128, 134, 135, 144, 145, 146.]

day we receive messengers from those people, but we have been deaf to them, and will remain so."

During the months of July, August, and September, 1792, a great number of Indians, of the Miami, Pottawattamie, Delaware, Shawanee, Chippewa, Ottawa, and Wyandot tribes, assembled at the rapids of the Maumee, for the purpose of holding a grand council. About this time several chiefs of the Six Nations, at the request of the secretary of war, visited the councils of the northwestern tribes, and made some efforts to induce the hostile Indians to establish a treaty of peace with the United States. The Indians in council, however, determined that they would make no treaty that would confirm or acknowledge the claims of the United States to any portion of the territory northwest of the river Ohio. The grand council broke up about the 10th of October.

In 1792 and 1793, while offensive operations against the northwestern Indians were prohibited by the government of the United States, small war parties, composed principally of Delawares and Shawanees, continued to lurk about the white settlements on the borders of the Ohio—waylaying the paths, capturing horses and cattle, killing some of the settlers, and carrying others into captivity. On the morning of the 6th of November, 1792, at daybreak, about one hundred Kentucky militia, under the command of Major Adair, were attacked in their camp, by a strong body of Indians, and forced, after a short engagement, to retire into Fort St. Clair,* which was within gunshot of the scene of action. In this skirmish, the troops under Adair lost six men killed, and five wounded, together with the camp equipage, and one hundred and forty pack-horses. In a letter which was sent to Brigadier-general Wilkinson, immediately after the action, Major Adair said:—"My officers, and a number of my men, distinguished themselves greatly. Poor Hail died calling to his men to advance. Madison's bravery and conduct need no comment: they are well known. Flinn and Buchanan acted with a coolness and courage which does them much honor. Buchanan, after firing his gun, knocked an Indian down with the barrel. * * * I can,

* This fort was erected at a point about one mile distant from the site of Eaton, in Preble county, Ohio.

with propriety, say, that about fifty of my men fought with a bravery equal to any men in the world; and had not the garrison been so nigh, as a place of safety for the bashful, I think many more would have fought well. The enemy have, no doubt, as many men killed as myself."

At this time Fort Hamilton, Fort St. Clair, and Fort Jefferson, were garrisoned by small detachments of regular troops, who were poorly clad, and generally destitute of money. On the 13th of September, 1792, Captain John Armstrong, the commanding officer at Fort Hamilton, wrote a letter to Wilkinson, from which the following is an extract:—"I must, my dear general, in justice to my own feelings and to the men I command, repeat my complaint on the subject of clothing. It is known to you, sir, that my command has been a continued scene of fatigue; and it is a reflection upon the nation that the men should serve six months without clothing. *They are now performing the duties of soldiers without a shirt or shoes*, and seven month's pay due them. What can the public expect from men thus treated?—called upon, naked as they are, to perform the hardest service; destitute of money to purchase for themselves even a chew of tobacco."

In the course of the years 1790, 1791, and 1792, twenty-three statutes, providing for the administration of justice in the territory of the United States northwest of the river Ohio, were adopted and published at Cincinnati, by Governor St. Clair, (or, in his absence, the acting governor, Winthrop Sargent,) and the judges of the superior court of the territory. The following is a list of the titles of these statutes:

I.—An act to alter the terms of general court.—Passed on the 4th of November, 1790. [By this act it was declared that the several terms of the general court of the territory, should be held at the following times and places, viz: In the county of Knox, (at Vincennes,) on the first Tuesday in May, yearly, and every year: in the county of St. Clair, (at Kaskaskia,) on the second Tuesday in June, yearly and every year: in the county of Hamilton, (at Cincinnati,) on the first Tuesday in October, yearly and every year: and in the county of Washington, (at Marietta,) on the second Tuesday in November, yearly and every year.]

II.—An act to augment the terms of the county courts of common pleas, from two to four terms in the year; and to increase the number of judges in the said court, and also of the justices of the quorum in the several counties.—Passed on the 6th of November, 1790. [By this act the governor was authorized to commission not less than three nor more than seven judges in each county; and to increase the justices of the quorum, in the several counties, to any number not exceeding nine in each and every county.]

III.—An act to authorize and require the courts of general quarter sessions of the peace to divide the counties into townships, and to alter the boundaries of the same when necessary; and also to appoint constables, overseers of the poor, and clerks of the townships; and for other purposes therein mentioned.—Passed on the 6th of November, 1790.

IV.—An act supplementary to a law entitled “A law respecting crimes and punishments,” published at Marietta, on the 6th of September, 1788.—Passed on the 22d day of June, 1791.

V.—An act for the punishment of persons tearing or defacing publications set up by authority.—Passed on the 22d day of June, 1791. [The second section of this act was in the words following:—“*And be it further enacted*, That if, as aforesaid, any person shall wilfully and maliciously deface, obliterate, tear down, or destroy, in part or in whole, any publication of the bans of matrimony, or advertisement respecting estrays, or any other notification set up in pursuance of any act or law now or which hereafter may be in force within this territory, such offender shall, for every such offense of which he may be convicted, as aforesaid, be set in the stocks for three hours, and pay costs, or stand committed to prison till the same are paid: any thing in this or any other act or law to the contrary notwithstanding.]

VI.—An act creating the office of clerk of the legislature.—Passed on the 22d day of June, 1791.

VII.—An act for rendering authentic, as evidence, in the courts of this territory, the public acts, records, and judicial proceedings of the courts in the United States.—Passed on the 22d day of June, 1791.

VIII.—An act abolishing the distinction between the crimes of murder and petit treason.—Passed on the 22d day of June, 1791.

IX.—An act regulating the enclosures of grounds.—Passed on the 29th day of June, 1791.

X.—An act to alter and amend the militia laws.—Passed on the 2d day of July, 1791. [By the second section of this law it was enacted, "That whenever persons enrolled in the militia of this territory shall assemble at any place of public worship, every such person shall arm and equip himself according to law, as if he were marching to engage the enemy."]

XI.—An act for granting licenses to merchants, traders, and tavern-keepers.—Passed on the 1st day of August, 1792. [One of the clauses of the fifth section of this act was in these words: "And each and every person obtaining license from the commissioners as aforesaid, shall set up, in a proper manner, on the front and outside of his house next the street, a board or sign with his or her name written thereon, and some device expressive of his business as a tavern-keeper or retailer of liquors, on which board or sign shall also be written in fair large letters, 'BY AUTHORITY A TAVERN;' or, 'BY AUTHORITY A RETAILER,' as the case may be."]

XII.—An act creating the offices of treasurer-general of the territory, and treasurers for the counties.—Passed on the 1st day of August, 1792.

XIII.—An act directing the manner in which money shall be raised and levied to defray the charges which may arise within the several counties in the territory.—Passed on the 1st of August, 1792.

XIV.—An act for opening and regulating highways.—Passed on the 1st of August, 1792.

XV.—An act directing the building and establishing of a courthouse, county jail, pillory, whipping-post and stocks in every county.—Passed on the 1st day of August, 1792.

XVI.—An act for the better regulation of prisons.—Passed on the 1st day of August, 1792. [By a clause in the fourth section of this act, it was declared that "the person assisting in an escape shall be punished by fine, imprisonment, whip-

ping, pillory, or setting on the gallows with a rope about his or her neck; or any one or more of the said punishments as the court having cognizance thereof shall think proper to inflict.”]

XVII.—An act for the disposition of strays.—Passed on the 1st day of August, 1792.

XVIII.—An act to repeal certain parts of an act, entitled “an act creating the office of clerk of the Legislature.”—Passed on the 1st day of August, 1792.

XIX.—An act supplementary to a law, entitled “a law regulating marriages.”—Passed on the 1st day of August, 1792. [By this act justices of the peace were empowered to solemnize marriages within their respective counties, on the bans being published according to law, or by special license from the governor.]

XX.—An act to regulate the admissions of attorneys.—Passed on the 1st day of August, 1792. [By this act attorneys were required to take and subscribe an oath in the following form: “I swear that I will do no falsehood, nor consent to the doing of any, in the courts of justice; and if I know of any intention to commit any, I will give knowledge thereof to the justices of the said courts, or some of them, that it may be prevented. I will not wittingly or willingly promote or sue any false, groundless, or unlawful suit, nor give aid or counsel to the same; and I will conduct myself in the office of an attorney within the said courts according to the best of my knowledge and discretion, and with all good fidelity as well to the courts as my client. So help me God.”]

XXI.—An act empowering the judge of probate to appoint guardians to minors and others.—Passed on the 1st day of August, 1792.

XXII.—An act prescribing the forms of writs in civil causes, and directing the mode of proceeding therein.—Passed on the 1st day of August, 1792.

XXIII.—An act establishing and regulating the fees of the several officers and other persons therein mentioned.—Passed on the 1st day of August, 1792. [This act allowed “to the attorney of the United States for drawing an indictment in the sessions, fifty cents. To jailors, for turning the key on the

commitment of each prisoner, fifteen cents in and fifteen cents out." To the foreman of a grand jury, sixty cents per day; to each other grand juror, fifty cents per day. To a justice of the peace, "for hearing a complaint and issuing a warrant, twenty-five cents," etc.]

CHAPTER XXV.

INDIAN COUNCILS.

ON the 2d day of March, 1793, Benjamin Lincoln, of Massachusetts; Beverley Randolph, of Virginia; and Timothy Pickering, of Pennsylvania, were appointed, by the President of the United States, commissioners for the purpose of negotiating a peace with the nations of Indians in the northwestern territory. These negotiators, or a majority of them, (or any one of them, in case of the death, sickness, or non-attendance of the other two,) were, by their public commissions, invested with "full power and authority to confer on, treat of, renew, conclude, and sign, with such persons as by the said nations shall appear to them to be fully authorized thereto, a treaty or treaties of peace and amity between the United States and the said Indian nations." The following passages are copied from the secret instructions which were given by the President of the United States to Messrs. Lincoln, Randolph and Pickering on the 26th day of April, 1793:

"GENTLEMEN—You must be well aware of the extreme dislike of the great majority of the citizens of the United States to an Indian war, in almost any event; and with how much satisfaction they would embrace a peace upon terms of justice and humanity. To you, therefore, this negotiation is entrusted, with the hope that you will, by your intelligence and perseverance, be able to close a scellé of hostilities, which, on the part of the United States, have been dictated by the protection due their frontier citizens. In order that you may possess all the

knowledge in the power of the executive to give, you have herewith furnished the several papers upon this subject, enumerated in the schedule annexed, which contains information, from the peace between Great Britain and France, in the year 1763, until the present time. With respect to the treaties made between the United States and the several hostile tribes, since the peace with Great Britain in 1783, *it is to be observed that the treaty of Fort Harmar, made in January, 1789, is regarded as having been formed on solid grounds—the principle being that of a fair purchase and sale.* The government considers the Six Nations, who claimed the lands by virtue of former conquests, lying between the Ohio and lake Erie, which were ceded and confirmed to the United States by said treaty with the said Six Nations, together with the Wyandots, and Delawares, and Ottawas, and other western Indians, who were the actual occupants of the lands, as the proper owners thereof; that they had a right to convey the said lands to the United States; and that they did accordingly make the said conveyance, with their free consent and full understanding. Parties, however, who were not at the treaty of Fort Harmar, may have been either at the treaty of Fort McIntosh, or the Miami. Buck-ong-a-he-las, a chief of the Delawares, was at the latter. But if it shall appear, upon a further investigation of the subject, at the place of conference, that there were other tribes interested in the lands then ceded to the United States than those who subscribed the said treaty, or that the consideration given was inadequate, it may be proper, in either or both cases, that a liberal compensation be made to the just claimants.

“It will, therefore, be one of the first objects of the proposed treaty, to ascertain from the Indians what tribes are the allowed proprietors of the country lying to the northward of the Ohio and to the southward of the lakes. You will perceive by Hutchin’s map, herewith delivered, the boundaries confirmed by the said treaty of Fort Harmar to the United States; and, also, the tracts which have been granted by the United States to the late army, and to particular companies of men. You will endeavor, to the utmost of your power, to induce the tribes claiming a right to the said lands, to confirm the boundary established by the said treaty of Fort Harmar, with the

Six Nations, and Wyandots, Delawares, etc.—for which purpose, you will, among other considerations, offer

“First: The guarantee of the United States of the right of soil, to all the remaining lands in that quarter, against the citizens or inhabitants of the United States.

“Secondly: That the United States will relinquish the places mentioned in the said treaty as trading-posts, to the northward of the general boundary; excepting, however, the grounds upon which the forts are erected, now occupied by the British troops; and which, by the treaty of peace of 1783, were ceded to the United States, together with the portions of land in the vicinity of said forts, in possession of the white inhabitants, and which have been purchased of the Indians.

“Thirdly: The United States will relinquish any of the military posts which shall appear to be established without the boundaries of the treaty of Fort Harmar, or the boundaries which you may agree upon.

“Fourthly: That the United States will pay to the several tribes, in the proportions which shall be agreed upon, the sum of fifty thousand dollars, in goods, according to a tariff of articles to be settled at the treaty. The tariff shall include the prime cost of the goods in Philadelphia or New York, together with the charge of the transportation to the place which shall be fixed for the delivery, and no more.

“Fifthly: That, in addition to the above sum, to be paid immediately, the United States will also pay, annually, the sum of ten thousand dollars, in goods, to such tribes, and to be delivered at such places as shall be agreed upon.

“* * * * *You are to understand, explicitly, that the United States can not relinquish any of the tracts of lands which they have already granted, as marked upon the said map.*

“In respect to all that has been said with regard to relinquishment, you will please to understand that no particular difficulty is intended to be thrown in the way of the relinquishment of any lands west of the Great Miami, and northward of the Ohio, from the intersection thereof by the Great Miami, except the tract of one hundred and fifty thousand acres granted to General Clark. * * * In case of a successful treaty, the delivery of all prisoners taken from the United States must be strenuously insisted upon. But it will be left to your judg-

ment, whether a particular compensation shall be stipulated, or not, to the individual owners of such prisoners; as it is well known that they are not considered as the common property of the Indian communities. * * * The Reverend John Heckewelder, a Moravian teacher, who resided many years among the Moravian Indians, of the Delawares, will accompany you, in order, also, to use his influence toward a peace. He well understands the Delaware tongue; and, although he is unwilling to act as a common interpreter, yet you may rely upon his ability to correct others, and prevent imposition.

“You will have delivered to you one hundred sets of silver ornaments, which you will present to such influential chiefs as you shall judge proper. It will be necessary that you should endeavor, if consistently with the public interest, to close the treaty on or before the first of August. But, whatever shall be the result of the treaty, you will inform Major-general Wayne thereof, on the Ohio, as expeditiously as possible: and, in order that there may be no defect in the transmission of such information, you will send many copies, by different routes, and spare no pains or expense to render the communication perfect. * * * The sum of twenty thousand dollars in specie will be delivered to you for the particular purposes of gratuities, to such influential persons or chiefs, as may, in your judgment, be necessary. * * * Your route will be hence by the way of New York, Albany, Fort Stanwix, Wood creek, Oswego, and Niagara: thence Governor Simcoe will furnish you with a vessel for the purpose of conveying you to the place of treaty.”

The commissioners left Philadelphia between the 26th and 30th of April, and, proceeding by different routes, arrived at Niagara in the month of May. Colonel Pickering and Mr. Randolph reached Niagara on the 17th of May,* and immediately sent a note to the British Lieutenant-governor, Simcoe, (who resided at Navy Hall, about a mile from Niagara fort, on the opposite side of the river,) to inform him of their arrival. They received the following answer:

* General Lincoln having charge of the stores, did not reach Niagara until the 25th of May.

NAVY HALL, May 17, 1793.

“Lieutenant-governor Simcoe presents his compliments to Mr. Randolph and Mr. Pickering, and desires the pleasure of seeing them at Navy Hall as soon as shall be convenient. The Lieutenant-governor had expected the pleasure of their companies to dinner, but must insist on their taking beds at his house, and of partaking of such accommodations with him, as this settlement can afford.”

The commissioners of the United States complied with the polite request of Governor Simcoe, and took lodgings at Navy Hall, where (awaiting the termination of preliminary councils which the Indians were holding at the Rapids of the Maumee,) they were hospitably entertained for the space of five or six weeks. On the 7th of June, the following notes passed between the commissioners and Lieutenant-governor Simcoe:—

“The commissioners of the United States for making peace with the western Indians beg leave to suggest to Governor Simcoe: That the very high importance of the negotiation committed to their management, makes them desirous of using every proper means that may contribute to its success. That they have observed with pleasure the disposition manifested by the governor to afford every requisite assistance in the preparatory arrangements for holding the treaty with the hostile Indians. But, all the facilities thus afforded, and all the expenses incurred by the British government on this occasion, will perhaps, be fruitless, unless some means are used to counteract the effect of deep-rooted prejudices, and unfounded reports among the Indian tribes: for, the acts of a few bad men dwelling among them, or having a familiar intercourse with them, by cherishing those prejudices, or raising and spreading those reports, may be sufficient to defeat every attempt to accomplish a peace. As an instance of such unfounded reports, the commissioners have noticed the declaration of a Mohawk, from Grand River, *that Governor Simcoe advised the Indians to make peace, but not to give up any of their lands.* The commissioners further observe that if any transaction at former treaties were exceptionable, the principles of the present treaty are calculated to remove the causes of complaint; for the views of government are perfectly fair. And, although it is now im-

possible to retrace all the steps then taken, the United States are disposed to recede, as far as shall be indispensable, and the existing state of things will admit; and, for the lands retained, to make ample compensation. The views of the United States being thus fair and liberal, the commissioners wish to embrace every means of making them so appear to the Indians, against any contrary suggestions. Among these means, the commissioners consider the presence of some gentlemen of the army to be of consequence: for, although the Indians naturally look up to their superintendents as their patrons, yet, the presence of some officers of the army will probably induce them to negotiate with greater confidence on the terms of peace. Independently of these considerations, the commissioners, for their own sakes, request the pleasure of their company. The commissioners, feeling the greatest solicitude to accomplish the object of their mission, will be happy to receive from the governor every information relating to it, which his situation enables him to communicate. He must be aware that the sales and settlements of the lands over the Ohio, founded on the treaties of Forts McIntosh and Harmar, render it impossible now to make that river the boundary. The expression of his opinion, on this point in particular, will give them great satisfaction."

The commissioners received the following answer from Lieutenant-governor Simcoe:

"Colonel Simcoe, commanding the king's forces in Upper Canada, has the honor, in answer to the paper delivered to him this morning, by the commissioners of the United States, for making peace with the western Indians, to state to those gentlemen, that he is duly impressed with the serious importance of the negotiation committed to their charge, and shall be happy to contribute, by every proper means that may tend to its success. He is much obliged to them for the polite manner in which they have expressed their sense of his readiness to afford them such facilities as may have been in his power, to assist in the preparatory arrangements for holding the treaty. He is perfectly aware that unfounded reports, and deep-rooted prejudices, have arisen among the Indian tribes: but whether from the acts of a few bad men living among

them, he can not pretend to say. But, he must observe, upon the instance given by the commissioners, of one of 'those unfounded reports, that a Mohawk from the Grand river should say, that Governor Simcoe advised the Indians to make peace, but not to give up their lands,' it is of that nature that can not be true; the Indians, as yet, not having applied for his advice on the subject: and it being a point, of all others, on which they are the least likely to consult the British officers commanding in Upper Canada. Colonel Simcoe considers himself perfectly justified in admitting, on the requisition of the commissioners, some officers to attend the treaty; and, therefore, in addition to the gentlemen appointed to control the delivery of the British provisions, etc., he will desire Captain Bunbury, of the fifth regiment, and Lieutenant Givens, who has some knowledge of one of the Indian languages, to accompany the commissioners. Colonel Simcoe can give the commissioners no further information than what is afforded by the speeches of the confederate nations, of which General Hull has authentic copies. But, as it has been, ever since the conquest of Canada, the principle of the British government, *to unite the American Indians*, that, all petty jealousies being extinguished, the real wishes of the several tribes may be fully expressed, and, in consequence, all the treaties made with them, may have the most complete ratification and universal concurrence, so, he feels it proper to state to the commissioners, *that a jealousy of a contrary conduct in the agents of the United States, appears to him to have been deeply impressed upon the minds of the confederacy.*"

The following account of the final attempt to negotiate a peace with the northwestern Indians, in 1793, is extracted from the journal of the commissioners:

"June 29th, 1793.—The commissioners and their suite went to Fort Erie to embark for Sandusky; but the winds being contrary, they returned three or four miles to their lodgings.

"June 30th.—The wind still contrary; nevertheless, the commissioners and their suite embarked on board the schooner Dunmore, Captain Henry Ford, commander."

"July 5th.—Still detained, by contrary winds, at Fort Erie. This day arrived, in a vessel from the Maumee, Colonel Butler,

a British superintendent of Indian affairs, and Captain Brandt, with about fifty Indians, being a deputation from the Indian nations assembled at the rapids of the Maumee, to confer with the commissioners of the United States, in presence of the governor of Upper Canada. The deputation being met, gave notice to the commissioners that they desired to speak with them. The commissioners attending, a Shawanee chief, called Cat's Eyes, addressed them thus:—‘Brothers: We are sent by the nations of Indians assembled at the rapids of the Maumee, to meet the commissioners of the United States. We are glad to see you here. It is the will of the chiefs of those nations, that our father, the governor of this province, should be present, and hear what we have to say to you, and what you have to say to us. Brothers: Do not make yourselves uneasy that we did not meet you at the time you proposed at Sandusky. The reasons thereof will be mentioned at another time.’ To this speech the commissioners replied—‘Brothers: The commissioners are glad to see you. We will confer with you in presence of your father, the governor of this province, at any time and place which shall be convenient to him and you.’ The chiefs having consulted a few minutes by themselves, again asked the attendance of the commissioners, and proposed that the conference should be at the governor's, at Niagara; to which the commissioners agreed, informing the chiefs that they would be at the governor's to-morrow night.

“IN COUNCIL, at Navy Hall, July 7, 1793.—Present, commissioners of the United States, Colonel Simeoe, governor of Upper Canada, and a considerable number of civil and military officers, and the deputation of Indians from the council assembled at the rapids of the Maumee. Captain Brandt, with a belt and strings of wampum, rose and said—‘Brothers: We have met, to-day, our brothers, the Bostonians and English. We are glad to have the meeting, and think it is by the appointment of the Great Spirit. Brothers of the United States: We told you the other day, at Fort Erie, that, at another time, we would inform you why we had not assembled at the time and place appointed for holding the treaty with you. We now inform you that it is because there is so much of the appearance of war in that quarter. Brothers: We have given the reason for our not meeting you; and now we request

an explanation of those warlike appearances. Brothers: The people you see here are sent to represent *the Indian nations who own the lands north of the Ohio, as their common property*, and who are all of one mind—one heart. Brothers: We have come to speak to you for two reasons: one, because your warriors, being in our neighborhood, have prevented our meeting at the appointed place: the other, *to know if you are properly authorized to run and establish a new boundary line between the lands of the United States, and of the Indian nations*. We are still desirous of meeting you at the appointed place. Brothers: We wish you to deliberate well on this business. We have spoken our sentiments in sincerity, considering ourselves in the presence of the Great Spirit, from whom, in time of danger, we expect assistance.—[A white belt of twelve rows, and thirty strings of wampum, in five bunches, nearly all white.]

The commissioners answered—"Brothers: We have attended to what you have said. We will take it into our serious consideration, and give you an answer to-morrow. We will inform you when we are ready." Captain Brandt replied—"Brothers: We thank you for what you have said. You say you will answer our speech to-morrow. We now cover up the council fire."

"NIAGARA, 8th July, 1793.—In Council. Present, as yesterday. The following was the answer of the commissioners of the United States to the speech delivered yesterday, by Captain Brandt, on behalf of the western Indians:—"Brothers: By the appointment of the Great Spirit, we are again met together. We hope he will assist us on both sides to see and to do what is right. It gives us pleasure that this meeting is in the presence of our brothers the English. Brothers, now listen to our answer in behalf of the United States. Brothers, you have mentioned two objects of your coming to meet us at this place. One, to obtain an explanation of the warlike appearances on the part of the United States on the northwestern side of the Ohio; the other, to learn whether we have authority to run and establish *a new boundary line between your lands and ours*. Brothers, on the first point we can not but express our extreme regret, that any reports of warlike appearances, on the part of the United States, should have delayed our meeting at San-

dusky. The nature of the case irresistibly forbids all apprehensions of hostile incursions into the Indian country, north of the Ohio, during the treaty at Sandusky. Brothers, we are deputed by the great chief and the great council of the United States to treat with you of peace; and is it possible that the same great chief and his great council could order their warriors to make fresh war while we were sitting round the same fire with you in order to make peace? Is it possible that our great chief and his council could act so deceitfully toward us, their commissioners, as well as toward you? Brothers, we think it is not possible; but we will quit arguments and come to facts. Brothers, we assure you that our great chief, General Washington, has strictly forbidden all hostilities against you, until the event of the proposed treaty at Sandusky shall be known. Here is the proclamation of his head warrior, General Wayne, to that effect. But, brothers, our great chief is so sincere in his professions for peace, and so desirous of preventing every thing which could obstruct the treaty and prolong the war, that, besides giving the above orders to his head warrior, he has informed the governors of the several States adjoining the Ohio, of the treaty proposed to be held at Sandusky; and desired them to unite their power with his to prevent any hostile attempts against the Indians, north of the Ohio, until the result of the treaty is made known. Those governors have accordingly issued their orders, strictly forbidding all such hostilities. The proclamations of the governors of Pennsylvania and Virginia we have here in our hands. Brothers, if after all these precautions of our great chief, any hostilities should be committed north of the Ohio, they must proceed from a few disorderly people, whom no considerations of justice or public good can restrain. But we hope and believe that none such will be found.

“Brothers, after these explanations, we hope you will possess your minds in peace, relying on the good faith of the United States that no injury is to be apprehended by you during the treaty. Brothers, we now come to the second point: Whether we are properly authorized to run and establish *a new boundary line between your lands and ours?* Brothers, we answer explicitly that we have that authority. Where this line should run, will be the great subject of discussion at the treaty

between you and us; and we sincerely hope and expect that it may then be fixed to the satisfaction of both parties. Doubtless some concessions must be made on both sides. In all disputes and quarrels, both parties usually take some wrong steps; so that it is only by mutual concessions that a true reconciliation can be effected. Brothers, we wish you to understand us clearly on this head; for we mean that all our proceedings should be made with candor. We, therefore, repeat, and say explicitly, that some concessions will be necessary on your part, as well as on ours, in order to establish a just and permanent peace. Brothers, after this great point of the boundary shall be fully considered at the treaty, we shall know what concessions and stipulations it will be proper to make on the part of the United States; and we trust they will be such as the world will pronounce reasonable and just. Brothers, you have told us that you represent the nations of Indians who own the lands north of the Ohio, and whose chiefs are now assembled at the rapids of the Maumee. Brothers, it would be a satisfaction to us to be informed of the names of those nations, and of the numbers of the chiefs of each so assembled. Brothers, we once more turn our eyes to your representation of the warlike appearances in your country. To give you complete satisfaction on this point, we now assure you that as soon as our councils at this place is ended, we will send a messenger on horseback to the great chief of the United States, to desire him to renew and strongly repeat his orders to his head warrior, not only to abstain from all hostilities against you, but to remain quietly at his posts until the event of the treaty shall be known.”—[A white belt of seven rows, and twenty-six strings of wampum, nearly all white, annexed.]

This speech having been interpreted in the Oneida, Shawanee, and Chippewa tongues, the Shawanee chief, called Cat's Eyes, addressed the commissioners thus: “Brothers, the Bostonians, attend. We have heard your words. Our fathers, the English people, have also heard them. We thank God that you have been preserved in peace, and that we bring our pipes together. The people of all the different nations here salute you. They rejoice to hear your words. It gives us great satisfaction that our fathers, the English, have heard them also. We shall, for the present, take up our pipes, and retire

to the encampments, where we shall deliberately consider your speech, and return you an answer to-morrow."

"NIAGARA, 9th July, 1793.—In council. Present, as yesterday. Captain Brandt arose, with the belt and strings which were yesterday delivered by the commissioners, and, addressing himself to the English and Americans, said: 'We are glad the Great Spirit has preserved us in peace, to meet together this day. Brothers of the United States: Yesterday you made an answer to the message delivered by us, from the great council at the Maumee, in the two particulars which we had stated to you. Brothers, you may depend on it, we fully understood your speech. We shall take with us your belt and white strings, and repeat it to the chiefs at the great council at the Maumee.—[Laid down the strings and belt, and took up a white belt.] Brothers, we have something further to say, though not much. We are small compared with our great chiefs at Maumee. But though small, we have something to say. Brothers, we think, from your speech, that there is a prospect of our coming together. We, who are the nations at the westward, are of one mind; and, if we agree with you—as there is a prospect that we shall—it will be binding and lasting. Brothers, our prospects are the fairer, because all our minds are one. You have not before spoken to us unitedly. Formerly, because you did not speak to us unitedly, what was done was not binding. Now, you have an opportunity of speaking to us together; and we now take you by the hand, to lead you to the place appointed for the meeting. [A white belt of seven rows.] Brothers, this is all we have to say.'"

Afterwards, Captain Brandt, recollecting that he had not answered the inquiry of the commissioners, respecting the nations and chiefs assembled at the Maumee, rose and said: "Brothers, one thing more we have to say. Yesterday you expressed a wish to be informed of the names of the nations, and numbers of chiefs assembled at the Maumee; but as they were daily coming in, we cannot give you exact information. You will see for yourselves in a few days. When we left it, the following nations were there—to-wit: Five Nations, Wyandots, Shawanees, Delawares, Munsees, Miamies, Chippewas, Ottawas, Pottawattamies, Mingoes, Cherokees, Nantikokies.

The principal men of these were there." He presented the list on paper.

The commissioners then replied: "Brothers, our ears have been open to your speech. It is agreeable to us. We are ready to accompany you to the place of treaty, where, under the direction of the Great Spirit, we hope for a speedy termination of the present war, on terms equally interesting and agreeable to all parties."

On the 10th of July, 1793, the commissioners despatched a letter to General Knox, secretary of war. In this letter they said: "We think the coming of the deputation from the western Indians a fortunate event. It must have been their extreme jealousy of the United States that made them solicitous to speak with us in presence of the governor; and our answer being satisfactory, we believe it will have a better effect than the same sentiments delivered under any other circumstance. Our promise to send a special messenger to the President, to desire fresh orders might be sent to General Wayne, *not only to abstain from hostilities, but to remain quietly at his posts*, was thought a very necessary measure; and it will be alike necessary that those orders should be issued and strictly observed. In a former letter we intimated our opinion and wishes on this point. We now think—and our duty obliges us to declare it—that an exact observation of the laws of a truce is essential to the success of the treaty. The Indians have information, confirmed by repeated scouts, that General Wayne has cut and cleared a road, straight from Fort Washington into the Indian country, in a direction that would have missed Fort Jefferson; but that, meeting with a large swamp, it was, of necessity, turned to that fort, and then continued six miles beyond it: that large quantities of provisions are accumulated at the forts, far exceeding the wants of the garrisons, and numerous herds of horses and cattle, assembled beyond Fort Jefferson, guarded by considerable bodies of troops. With these preparations for war in their neighborhood, (for it is but three days' journey from thence to the Glaize,) they say their minds cannot rest easy. The distance here mentioned is from Captain Brandt's information, and is, no doubt, exact. We suppose that twenty to twenty-five miles may be deemed a day's journey. The manner in which negotiations for peace

are conducted by Indians, demands a particular consideration. On such occasions, not commissioners, or a few counsellors, but the body of the nations assemble. The negotiations will, of course, be delayed or interrupted if the movements of their enemies call the warriors from the council to watch or check them. The measures pursued by General Wayne appear to have produced this unhappy effect, and probably strengthened jealousies, before almost insurmountable. We know that those measures are viewed by the British as unfair and unwarrantable; and we cannot suppose that their opinion will be concealed from the Indians, if the latter have not previously entertained the same ideas. After this detail, it can hardly be necessary to express our opinions on the subject. It is obvious that, to insure a quiet, uninterrupted treaty, the cattle, horses, and troops, beyond what are proper for the posts themselves, should not be advanced from the Ohio; any that are now in advance beyond Fort Jefferson, should certainly be immediately withdrawn; and we doubt whether that would be satisfactory, if their numbers, in any degree, correspond with the reports among the Indians at their council."

The commissioners left Niagara on the 10th of July; and on the 11th they reached Fort Erie, where they were detained by head winds until the 14th, when they set sail for the mouth of Detroit river. They reached that point on the morning of the 21st of July—took lodgings at the residence of Captain Matthew Elliott, and despatched the following note to Colonel Alexander McKee, the British superintendent of Indian affairs, at the rapids of the Maumee river:

"ON DETROIT RIVER, 21st July, 1793.

"Sir: We embrace this opportunity to inform you of our arrival at this place, where we shall wait until we have intelligence that the nations of Indians at the rapids of the Maumee are ready to move to Sandusky. We shall be greatly obliged by your endeavors to expedite the councils of the Indians, that we may meet them without more delay. You will add to our obligations, by sending us the earliest notice when we may expect the Indians will arrive at Sandusky, that we may be there at the same time. We wrote you on the 30th of May,

but having received no answer, are apprehensive that our letter did not reach you.

We are, sir, yours, etc.,

BENJAMIN LINCOLN,
BEVERLEY RANDOLPH,
TIMOTHY PICKERING."

On the 29th of July, Captain Elliott arrived at his residence near the mouth of the Detroit river, with a deputation of upwards of twenty Indians, among whom was the Delaware chief Buck-ong-a-he-las, from the nations assembled at the foot of the Maumee Rapids. Captain Elliott delivered to the commissioners of the United States the following answer from Colonel McKee:

FOOT OF THE RAPIDS, 28th July, 1793.

"GENTLEMEN: I had the honor to receive your letter of the 21st inst. That which you mentioned to have wrote on the 30th of May has not yet come to hand. As soon as I am enabled to inform you at what time the Indians will meet at Sandusky, I will not fail to give you the earliest notice; and, as far as it depends on me, shall expedite it most cordially.

I am, gentlemen, yours, etc.,

ALEXANDER McKEE."

"IN COUNCIL, AT CAPTAIN ELLIOTT'S, *near the mouth* }
of *Detroit river*, July 30th, 1793. }

"Present, the commissioners of the United States, the deputation of Indians, the British officers, and inhabitants. The deputation addressed the commissioners as follows: a Wyandot chief, called Sa-wagh-da-wunk (whose name signifies Carry-one-about,) being their speaker: "Brothers: Listen! We are glad to see you here in peace, and thank the Great Spirit that has preserved us to meet again. Brothers: We were sent to speak to you some time ago, at Niagara. Some chiefs are now here, who were then present. Brothers: We did not explain ourselves to each other; and we did not rightly understand each other. Brothers: We desired that we might rightly understand each other. We have thought it best that what we had to say should be put into writing; and here (presenting a paper to the commissioners) is the meaning of our hearts."

This speech was interpreted by Simon Girty. The commissioners received the paper, and told the Indians that "they would well consider the subject of it, and return an answer in writing. The contents of the paper were as follows:

"To the Commissioners of the United States. BROTHERS: The deputies we sent to you did not fully explain our meaning; we have therefore sent others, to meet you once more, that you may fully understand the great question we have to ask of you, and to which we expect an explicit answer in writing. Brothers: You are sent here by the United States, in order to make peace with us, the confederate Indians. Brothers: You know very well that the boundary line, which was run between the white people and us, at the treaty of Fort Stanwix, was the river Ohio. Brothers: If you seriously design to make a firm and lasting peace, you will immediately remove all your people from our side of that river. Brothers: We therefore ask you, are you fully authorized by the United States to continue, and firmly fix on the Ohio river, as the boundary line between your people and ours? Done in general council at the foot of the Maumee Rapids, 27th July, 1793, in behalf of ourselves, and the whole confederacy, and agreed to in a full council.

WYANDOTS—Bear.

POTTAWATTAMIES—Fish.

DELAWARES—Turtle.

OTTAWAS.

SHAWANEES—Snake.

CONNOYS—Turkey.

MIAMIES.

CHIPPEWAS.

MINGOES—Snipe.

MUNSEES."

In the afternoon of the succeeding day, the commissioners of the United States delivered to the deputation of Indians, the following answer, in writing:

"Speech of the Commissioners of the United States to the Deputies of the Confederated Indian nations, assembled at the Rapids of the Maumee river:

"BROTHERS: You yesterday addressed us, mentioning a former deputation who met us at Niagara. At that meeting, you said, we did not come to a right understanding; that your deputies did not fully explain your meaning to us, nor we ours to them: that you desired we might rightly understand each

other, and therefore thought it best that what you had to say should be put into writing. Then handing us a paper, you said, 'here is the meaning of our hearts.' Brothers: That paper is directed to the commissioners of the United States, and speaks to them these words, viz: [Here is repeated the written address of the Indians.]

"Brothers, the deputies present: We have now repeated the words contained in the paper which you delivered to us; and those words are interpreted to you. We presume the interpretation agrees with your idea of the contents of the paper. It is expressed to be signed by the Wyandots, Delawares, Miamies, Shawanees, Mingoes, Pottawattamies, Ottawas, Connoys, Chippewas, and Munsees, in behalf of themselves and the whole confederacy, and agreed to in full council.

"Brothers: We are a little surprised at the suggestion, that, in the conference at Niagara, we did not come to a right understanding, and that your deputies did not fully explain your meaning. Those deputies appeared to be men of good understanding, and when we saw them they were perfectly sober: in short, we never saw men in public council more attentive, or behave with more propriety. We could not, therefore, suppose they could mistake your meaning or ours. Certainly we were sufficiently explicit, for, in plain terms, we declared, 'that in order to establish a just and permanent peace, some concessions would be necessary on your part as well as on ours.' These words, brothers, are a part of our speech to your deputies; and that speech, they assured us they fully understood. What those concessions should be, on both sides, and where the boundary line should be fixed, were proper subjects of discussion, at the treaty, when we should speak face to face. This, we are certain would be the best way to remove all difficulties. But your nations have adopted another mode, which, by keeping us at a distance, prevents our knowing each other, and keeps alive those jealousies which are the greatest obstacles to a peace. We are, therefore, desirous of meeting your nations in full council, without more delay. We have already waited in this province sixty days beyond the time appointed for opening the treaty.

"Brothers: We have now expressed our opinion of the proper mode of settling the differences between you and the

United States; but, as your nations have desired answers to certain questions, previous to our meeting, and we are disposed to act with frankness and sincerity, we will give you an explicit answer to the great question you have now proposed to us. But, before we do this, we think it necessary to look back to some former transactions, and we desire you patiently to hear us.

“Brothers: We do know very well, that at the treaty of Fort Stanwix, *twenty-five years ago*, the river Ohio was agreed on as the boundary line between you and the white people of the British colonies; and, we all know, that, about seven years after that boundary was fixed, a quarrel broke out between your father, the King of Great Britain, and the people of those colonies, which are now the United States. This quarrel was ended by the treaty of peace, made with the King, about ten years ago, by which the Great Lakes, and the waters which unite them, were, by him, declared to be the boundaries of the United States.

“Brothers: Peace having been thus made, between the King of Great Britain and the United States, it remained to make peace between them and the Indian nations who had taken part with the King: for this purpose, commissioners were appointed, who sent messages to all those Indian nations, *inviting them to come and make peace*. The first treaty was held about nine years ago, at Fort Stanwix, with the Six Nations, which has stood firm and unviolated to this day. The next treaty was made about ninety days after, at Fort McIntosh, with the half king of the Wyandots, Captain Pipe, and other chiefs, in behalf of the Wyandot, Delaware, Ottawa, and Chippewa nations. Afterward treaties were made with divers Indian nations south of the Ohio river; and the next treaty was made with Ka-kia-pilathy, here present, and other Shawanee chiefs, in behalf of the Shawanee nation, at the mouth of the Great Miami, which runs into the Ohio.

“Brothers: The commissioners who conducted the treaties in behalf of the United States, sent the papers containing them to the great council of the States, who, supposing them satisfactory to the nations treated with, proceeded to dispose of large tracts of land thereby ceded, and a great number of people removed from other parts of the United States, and

settled upon them: also many families of your ancient fathers, the French, came over the great waters, and settled upon a part of the same lands.*

“Brothers: After some time, it appeared that a number of people in your nations were dissatisfied with the treaties of Fort McIntosh and Miami: therefore the great council of the United States appointed Governor St. Clair their commissioner, with full powers, for the purpose of removing all causes of controversy, regulating trade, and settling boundaries, between the Indian nations in the northern department and the United States. He accordingly sent messages, inviting all the nations concerned to meet him at a council fire which he kindled at the falls of the Muskingum. While he was waiting for them, some mischief happened at that place, and the fire was put out: so he kindled a council fire at Fort Harmar, where near six hundred Indians, of different nations, attended. The Six Nations then renewed and confirmed the treaty of Fort Stanwix; and the Wyandots and Delawares renewed and confirmed the treaty of Fort McIntosh: some Ottawas, Chippewas, Pottawattamies, and Sacs, were also parties to the treaty of Fort Harmar.

“Brothers: All these treaties we have here with us. We have also the speeches of many chiefs who attended them, and who voluntarily declared their satisfaction with the terms of the treaties.

“Brothers: After making all these treaties, and after hearing the chiefs express freely their satisfaction with them, the United States expected to enjoy peace, and quietly to hold the lands ceded by them. Accordingly, large tracts have been sold and settled, as before mentioned. And, now, brothers, we answer explicitly, that, for the reasons here stated to you, *it is impossible to make the river Ohio the boundary between your people and the people of the United States.*

“Brothers: You are men of understanding, and if you consider the customs of white people, the great expenses which attend their settling in a new country, the nature of their improvements, in building houses and barns, and clearing and fencing their lands, how valuable the lands are thus rendered,

*The French settlement at Gallipolis.

and thence how dear they are to them, you will see that it is now impracticable to remove our people from the northern side of the Ohio. Your brothers, the English, know the nature of white people, and they know, that, under the circumstances which we have mentioned, the United States can not make the Ohio the boundary between you and us.

“Brothers: You seem to consider all the lands in dispute on your side of the Ohio, as claimed by the United States; but suffer us to remind you that a large tract was sold by the Wyandot and Delaware nations to the State of Pennsylvania. This tract lies east of a line drawn from the mouth of Beaver creek, at the Ohio, due north to lake Erie. This line is the western boundary of Pennsylvania, as claimed under the charter given by the king of England to your ancient friend William Penn: of this sale, made by the Wyandot and Delaware nations, to the State of Pennsylvania, we have never heard any complaint.

“Brothers: We are, on this occasion, obliged to make a long speech. We again desire you to hear us patiently. The business is of the highest importance, and a great many words are necessary fully to explain it: for we desire you may perfectly understand us; and there is no danger of your forgetting what we say, because we will give you our speech in writing.

“Brothers: We have explicitly declared to you, that we can not now make the Ohio river the boundary between us. This agrees with our speech to your deputies at Niagara, ‘that, in order to establish a just and permanent peace, some concessions would be necessary on your part, as well as on ours.’

“Brothers: The concessions which we think necessary on your part are, that you yield up, and finally relinquish to the United States, some of the lands on your side of the river Ohio. The United States wish to have confirmed *all the lands ceded to them by the treaty of Fort Harmar; and, also, a small tract of land at the rapids of the Ohio, claimed by General Clark, for the use of himself and warriors: and, in consideration thereof, the United States would give such a large sum, in money or goods, as was never given at one time, for any quantity of Indian lands, since the white people first set their foot on this*

island. And, because those lands did, every year, furnish you with skins and furs, with which you bought clothing and other necessities, the United States will now furnish the like constant supplies: and, therefore, besides the great sum to be delivered at once, they will, every year, deliver you a large quantity of such goods as are best suited to the wants of yourselves, your women, and children.

“Brothers: If all the lands, before mentioned, can not be delivered up to the United States, then we shall desire to treat and agree with you on a new boundary line; and for the quantity of land you relinquish to us within that new boundary line we shall stipulate a generous compensation, not only for a large sum, to be paid at once, but for a yearly rent, for the benefit of yourselves and your children for ever.

“Brothers: Here you see one concession, which we are willing to make on the part of the United States. Now, listen to another, of a claim which probably has more disturbed your minds than any other whatever.

“Brothers: *The commissioners of the United States have formerly set up a claim to your whole country southward of the great lakes, as the property of the United States; grounding this claim on the treaty of peace with your father, the king of Great Britain, who declared, as we have before mentioned, the middle of those lakes, and the waters which unite them, to be the boundaries of the United States.*

“Brothers: We are determined that our whole conduct shall be marked with openness and sincerity. We therefore frankly tell you, that we think those commissioners put an erroneous construction on that part of our treaty with the king. As he had not purchased the country of you, of course he could not give it away. He only relinquished, to the United States, his claim to it. That claim was founded on a right, acquired by treaty with other white nations, to exclude them from purchasing, or settling in, any part of your country; and it is this right which the king granted to the United States. Before that grant, the king alone had a right to purchase of the Indian nations, any of the lands between the great lakes, the Ohio, and the Mississippi, excepting the part within the charter boundary of Pennsylvania; and the king, by the treaty of peace, having granted this right to the United States, they

alone have now the right of purchasing: so that, now, neither the king nor any of his people, have any right to interfere with the United States, in respect to any part of those lands. All your brothers, the English, know this to be true; and it agrees with the declaration of Lord Dorchester, to your deputies, two years ago at Quebec.

“Brothers: We now concede this great point. We, by the express authority of the President of the United States, acknowledge the property, or right of soil, of the great country above described, to be in the Indian nations, so long as they desire to occupy the same. We only claim particular tracts in it, as before mentioned, and the general right granted by the king, as above stated, and which is well known to the English and Americans, and called the right of pre-emption, or the right of purchasing of the Indian nations disposed to sell their lands, to the exclusion of all other white people whatever.

“Brothers: We have now opened our hearts to you. We are happy in having an opportunity of doing it; though we should have been more happy to have done it in the full council of your nations. We expect soon to have this satisfaction, and that your next deputation will take us by the hand and lead us to the treaty. When we meet, and converse with each other freely, we may easily remove any difficulties which may come in the way of peace.

“At Captain Elliott’s, at the mouth of Detroit river, 31st July, 1793.

BENJAMIN LINCOLN,	} Commissioners
BEVERLEY RANDOLPH,	
TIMOTHY PICKERING,	
	of the
	United States.”

After the foregoing speech had been interpreted, the commissioners gave it, in writing, to the Indian deputation, with a white belt crossed with thirteen stripes of black wampum. The deputation then said, that, as it was too late to make any reply on that day, they would speak to the commissioners on the next morning.

“IN COUNCIL, August 1st, 1793. Present, as yesterday. The Wyandot chief Sa-wagh-da-wunk, [Carry-one-about] arose and spoke. Simon Girty interpreted. “Brothers: We are all bro-

thers you see here now. Brothers: It is now three years since you desired to speak with us. We heard you yesterday, and understood you well—perfectly well. We have a few words to say to you. Brothers: You mentioned the treaties of Fort Stanwix, Beaver creek,* and other places. Those treaties were not complete. There were but a few chiefs who treated with you. You have not bought our lands. They belong to us. You tried to draw off some of us. Brothers: Many years ago, we all know that the Ohio was made the boundary. It was settled by Sir William Johnston. This side is ours. We look upon it as our property. Brothers: You mentioned General Washington. He and you know you have your houses and your people on our land. You say you can not move them off: and we can not give up our land. Brothers: We are sorry we can not come to an agreement. The line has been fixed long ago. Brothers: We don't say much. There has been much mischief on both sides. We came here upon peace, and thought you did the same. We shall talk to our head warriors. You may return whence you came, and tell Washington."

The council here breaking up, Captain Elliott went to the Shawanee chief Ka-kia-pilathy, and told him that the last part of the speech was wrong. That chief came back, and said it was wrong. Girty said that he had interpreted truly what the Wyandot chief spoke. An explanation took place; and Girty added as follows: "Brothers: Instead of going home, we wish you to remain here for an answer from us. We have your speech in our breasts, and shall consult our head warriors." The deputation of Indians were then told that the commissioners would wait to hear again from the council at the Rapids of the Maumee.

On the 16th of August, 1793, Messrs. Lincoln, Randolph, and Pickering, received the following answer (in writing,) to their speech of the 31st of July.

"To the Commissioners of the United States. Brothers: We have received your speech, dated the 31st of last month, and it has been interpreted to all the different nations. We have been long in sending you an answer, because of the great im-

* Fort McIntosh.

portance of the subject. But, we now answer it fully; having given it all the consideration in our power.

“Brothers: You tell us that, after you had made peace with the King, our father, about ten years ago, ‘it remained to make peace between the United States and the Indian nations who had taken part with the King. For this purpose, commissioners were appointed, who sent messages to all those Indian nations, inviting them to come and make peace;’ and, after reciting the periods at which you say treaties were held, at Fort Stanwix, Fort McIntosh and Miami, all which treaties, according to your own acknowledgment, were for the sole purpose of making peace, you then say, ‘Brothers, the commissioners who conducted these treaties, in behalf of the United States, sent the papers containing them to the general council of the States, who supposing them satisfactory to the nations treated with, proceeded to dispose of the lands thereby ceded.’

“Brothers: This is telling us plainly, what we always understood to be the case, and it agrees with the declarations of those few who attended those treaties, viz: *That they went to meet your commissioners to make peace; but, through fear, were obliged to sign any paper that was laid before them; and it has since appeared that deeds of cession were signed by them, instead of treaties of peace.*

“Brothers: You then say, ‘After some time it appears that a number of people in your nations were dissatisfied with the treaties of Fort McIntosh and Miami, therefore the council of the United States appointed Governor St. Clair their commissioner, with full power, for the purpose of removing all causes of controversy, relating to trade, and settling boundaries between the Indian nations in the northern department, and the United States. He accordingly sent messages, inviting all the nations concerned to meet him at a council fire he kindled at the falls of the Muskingum. While he was waiting for them, some mischief happened at that place, and the fire was put out: so he kindled a council fire at Fort Harmar, where near six hundred Indians, of different nations, attended. The Six Nations then renewed and confirmed the treaty of Fort Stanwix; and the Wyandots and Delawares renewed and confirmed the treaty of Fort McIntosh: some Ottawas, Chippewas, Pottawatamies, and Sacs, were also parties to the treaty of Fort Har-

mar.' Now, brothers, these are your words; and it is necessary for us to make a short reply to them.

"Brothers: A general council of all the Indian confederacy was held, as you well know, in the fall of the year 1788, at this place; and that general council was invited by your commissioner, Governor St. Clair, to meet him for the purpose of holding a treaty, with regard to the lands mentioned by you to have been ceded by the treaties of Fort Stanwix and Fort McIntosh.

"Brothers: We are in possession of the speeches and letters which passed on that occasion, between those deputed by the confederate Indians, and Governor St. Clair, the commissioner of the United States. These papers prove that your said commissioner, in the beginning of the year 1789, after having been informed by the general council, of the preceding fall, that no bargain or sale of any part of these Indian lands would be considered as valid or binding, unless agreed to by a general council, nevertheless persisted in collecting together a few chiefs of two or three nations only, and with them held a treaty for the cession of an immense country, in which they were no more interested, than as a branch of the general confederacy, and who were in no manner authorized to make any grant or concession whatever.

"Brothers: How then was it possible for you to expect to enjoy peace, and quietly to hold these lands, when your commissioner was informed, long before he held the treaty of Fort Harmar, that the consent of a general council was absolutely necessary to convey any part of these lands to the United States? The part of these lands which the United States now wish us to relinquish, and which you say are settled, have been sold by the United States since that time.

"Brothers: You say, 'the United States wish to have confirmed all the lands ceded to them by the treaty of Fort Harmar, and also a small tract at the Rapids of the Ohio, claimed by General Clark, for the use of himself and his warriors. And, in consideration thereof, the United States would give such a large sum of money or goods, as was never given at any one time, for any quantity of Indian lands, since the white people first set their feet on this island. And, because these lands did every year furnish you with skins and furs, with

which you bought clothing, and other necessities, the United States will now furnish the like constant supplies. And, therefore, besides the great sum to be delivered at once, they will every year deliver you a large quantity of such goods as are best fitted to the wants of yourselves, your women, and children.'

"Brothers: Money, to us, is of no value; and to most of us unknown: and, as no consideration whatever can induce us to sell the lands on which we get sustenance for our women and children, *we hope we may be allowed to point out a mode by which your settlers may be easily removed, and peace thereby obtained.*

"Brothers: We know that these settlers are poor, or they would never have ventured to live in a country which has been in continual trouble ever since they crossed the Ohio. *Divide, therefore, this large sum of money, which you have offered to us, among these people. Give to each, also, a proportion of what you say you would give to us, annually, over and above this, very large sum of money; and we are persuaded, they would most readily accept of it, in lieu of the lands you sold them.* If you add, also, the great sums you must expend in raising and paying armies, with a view to force us to yield you our country, you will certainly have more than sufficient for the purposes of repaying these settlers for all their labor and their improvements.

"Brothers: You have talked to us about concessions. It appears strange that you should expect any from us, who have only been defending our just rights against your invasions. We want peace. Restore to us our country, and we shall be enemies no longer.

"Brothers: You make one concession to us by offering us your money; and another, by having agreed to do us justice after having long and injuriously withheld it. We mean, in the acknowledgment you have now made, that the king of England never did, nor ever had, a right to give you our country, by the treaty of peace. And you want to make this act of common justice a great part of your concessions; and seem to expect that, because you have at last acknowledged our independence, we should, for such a favor, surrender to you our country.

"Brothers: You have talked also a great deal about pre-

emption, and your exclusive right to purchase Indian lands, as ceded to you by the king, at the treaty of peace.

“Brothers: We never made any agreement with the king, nor with any other nation, that we would give to either the exclusive right of purchasing our lands. And we declare to you, that we consider ourselves free to make any bargain or cession of lands whenever and to whomsoever we please. If the white people, as you say, made a treaty that none of them but the king should purchase of us, and that he has given that right to the United States, it is an affair which concerns you and him, and not us. We have never parted with such a power.

“Brothers: At our general council held at the Glaize last fall, we agreed to meet commissioners from the United States, for the purpose of restoring peace, provided they consented to acknowledge and confirm our boundary line to be the Ohio; and we determined not to meet you until you gave us satisfaction on that point. That is the reason we have never met. We desire you to consider, brothers, that our only demand is the peaceable possession of a small part of our once great country. Look back, and review the lands from whence we have been driven to this spot. We can retreat no farther, because the country behind hardly affords food for its present inhabitants; and we have, therefore, resolved to leave our bones in this small space to which we are now confined.

“Brothers: We shall be persuaded that you mean to do us justice, if you agree that the Ohio shall remain the boundary line between us. If you will not consent thereto, our meeting will be altogether unnecessary. This is the great point which we hoped would have been explained before you left your homes, as our message, last fall, was principally directed to obtain that information.

“Done in general council, at the foot of the Maumee rapids, the 13th day of August, 1793.

NATIONS.

WYANDOTS,	MIAMIES,	MOHICANS,
SEVEN NATIONS, of Canada,	OTTAWAS,	CONNOYS,
POTTAWATTAMIES,	MESSASAGOES,	DELAWARES,
SENECAS, of the Glaize,	CHIPPEWAS,	NANTAKOKIES,
SHAWANEES,	MUNSEES,	CREEKS,
CHEROKEES.”		

The commissioners of the United States immediately sent the following brief answer to the confederate Indians at the rapids of the Maumee:

“To the Chiefs and Warriors of the Indian Nations assembled at the foot of the Maumee Rapids: Brothers: We have just received your answer, dated the 13th instant, to our speech of the 31st of last month, which we delivered to your deputies at this place. You say it was interpreted to all your nations; and we presume it was fully understood. We therein explicitly declared to you, that it was now impossible to make the river Ohio the boundary between your lands and the lands of the United States. Your answer amounts to a declaration, that you will agree to no other boundary than the Ohio. The negotiation is, therefore, at an end. We sincerely regret that peace is not the result; but, knowing the upright and liberal views of the United States—which, as far as you gave us an opportunity, we have explained to you—we trust that impartial judges will not attribute the continuance of the war to them.

“Done at Captain Elliott’s, at the mouth of Detroit river, the 16th day of August, 1793.

BENJAMIN LINCOLN,	} Commissioners of the United States.”
BEVERLEY RANDOLPH,	
TIMOTHY PICKERING,	

On the 17th of August, the commissioners left the mouth of the Detroit river. They arrived at Fort Erie on the 23d, and immediately despatched the following letter to Major-general Wayne, at Fort Washington:

“FORT ERIE, 23d August, 1793.

“SIR: We are on our return home from the mouth of Detroit river, where we lay four weeks waiting for the Indians to close their private councils at the rapids of the Maumee, that we might all remove to Sandusky and open the treaty. But, after sending repeated deputations to us, to obtain answers to particular questions, they finally determined not to treat at all. This final answer was received on the 16th instant, when we immediately began to embark to recross Lake Erie. Although we did not effect a peace, yet we hope that good may hereafter arise from the mission. The tranquillity of the country north-

west of the Ohio, during the (supposed) continuance of the treaty, evinced your care of our safety; and we could not leave this quarter without returning you our unfeigned thanks.

We are, sir, yours, etc.,

BENJAMIN LINCOLN,
BEVERLEY RANDOLPH,
TIMOTHY PICKERING."

CHAPTER XXVI.

INDIAN AFFAIRS—DIFFICULTIES WITH FRANCE.

OWING to various causes, which have been sufficiently explained in the preceding chapters, the overtures of peace which were made by the government of the United States to the northwestern Indians were rejected by those tribes. On the 5th of October, 1793, Major-general Wayne addressed to the secretary of war a letter, from which the following is an extract:

"HEAD-QUARTERS, HOBSON'S CHOICE,
Near Fort Washington, 5th October, 1793. }

"Agreeably to the authority vested in me by your letter of the 17th of May, 1793, I have used every means in my power to bring forward the mounted volunteers from Kentucky, as you will observe by the enclosed correspondence with his excellency, Governor Shelby, and Major-general Scott, upon this interesting occasion. I have even adopted their own proposition, by ordering a draught of the militia, which I consider as the dernier resort, and from which I must acknowledge that I have but little hopes of success. Add to this, that we have a considerable number of officers and men sick and debilitated, from fevers, and other disorders incident to all armies. But this is not all; we have recently been visited by a malady called the influenza, which has pervaded the whole

line in a most alarming and rapid degree. Fortunately, this complaint has not been fatal, except in a few instances; and I have now the pleasure of informing you, that we are generally recovered, or in a fair way; but our effective force will be much reduced. * * * After leaving the necessary garrisons at the several posts, (which will generally be composed of the sick and invalids,) I shall not be able to advance beyond Fort Jefferson with more than twenty-six hundred regular effectives, officers included. What auxiliary force we shall have is yet to be determined. At present, their numbers are only thirty-six guides and spies, and three hundred and sixty mounted volunteers. This is not a pleasant picture; but something must be done immediately, to save the frontiers from impending savage fury.

"I will, therefore, advance to-morrow with the force I have, in order to gain a strong position about six miles in front of Fort Jefferson, so as to keep the enemy in check (by exciting a jealousy and apprehension for the safety of their women and children) until some favorable circumstance or opportunity may present to strike with effect. The present apparent tranquillity on the frontiers, and at the head of the line, is a convincing proof to me that the enemy are collected, or collecting, in force, to oppose the legion, either on its march or in some unfavorable position for the cavalry to act in. Disappoint them in this favorite plan or manœuver, they may probably be tempted to attack our lines. In this case I trust they will not have much reason to triumph from the encounter. They can not continue long embodied for want of provision; and, at their breaking up, they will most certainly make some desperate effort upon some quarter or other. Should the mounted volunteers [from Kentucky] advance in force, we might yet compel those haughty savages to sue for peace before the next opening of the leaves. * * * Knowing the critical situation of our infant nation, and feeling for the honor and reputation of government, (which I will support with my latest breath,) you may rest assured that I will not commit the legion unnecessarily; and, unless more powerfully supported than I at present have reason to expect, I will content myself by taking a strong position advanced of Fort Jefferson, and, by exerting every power, endeavor to protect the frontiers,

and to secure the posts and army during the winter, or until I am honored with your further orders."

In a letter from Major-general Wayne to the secretary of war, dated "Camp, southwest branch of the [Great] Miami, six miles advanced of Fort Jefferson, October 23d, 1793," the writer said: "I have the honor to inform you that the legion took up its line of march from Hobson's Choice, on the 7th instant, and arrived at this place in perfect order and without a single accident, at ten o'clock in the morning of the 13th, when I found myself arrested for want of provisions. Notwithstanding this defect, I do not despair of supporting the troops in our present position, or rather, at a place called Still Water, at an intermediate distance between the field of [St. Clair's] battle and Fort Jefferson. * * * The safety of the western frontiers, the reputation of the legion, the dignity and interest of the nation, all forbid a retrograde manœuver, or giving up one inch of ground we now possess, until the enemy are compelled to sue for peace. The greatest difficulty which at present presents, is that of furnishing a sufficient escort to secure our convoys of provisions and other supplies from insult and disaster; and, at the same time, to retain a sufficient force in camp to sustain and repel the attacks of the enemy, who appear to be desperate and determined. We have recently experienced a little check to our convoys, which may probably be exaggerated into something serious by the tongue of fame before this reaches you. The following is, however, the fact, viz: Lieutenant Lowry, of the 2d sub-legion, and Ensign Boyd, of the 1st, with a command consisting of ninety noncommissioned officers and privates, having in charge twenty wagons, belonging to the quartermaster-general's department, loaded with grain, and one of the contractor's [wagons] loaded with stores, were attacked early in the morning of the 17th instant, about seven miles advanced of Fort St. Clair, by a party of Indians. Those gallant young gentlemen, (who promised at a future day to be ornaments to their profession,) together with thirteen noncommissioned officers and privates, bravely fell, after an obstinate resistance against superior numbers, being abandoned by the greater part of the escort upon the first discharge. The savages killed, or carried off, about seventy horses, leaving the wagons and stores standing in the road,

which have all been brought to this camp without any other loss or damage except some trifling articles. One company of light infantry, and one troop of dragoons, have been detached this morning to reinforce four other companies of infantry, commanded by Colonel Hamtramck, as an escort to the quartermaster-general's and contractor's wagons and pack-horses. I have this moment received the return of the mounted volunteers* [from Kentucky], under General Scott, recently arrived and encamped in the vicinity of Fort Jefferson. I shall immediately order a strong detachment of those volunteers as a further reinforcement to Colonel Hamtramck. I fear the season is too far advanced to derive that essential service, which, otherwise, might be expected from them. Whether they can act with effect or not is yet eventual. It is reported that the Indians at Auglaize have sent their women and children into some secret recess or recesses from their towns, and that the whole of the warriors are collected or collecting in force. The savages, however, can not continue long embodied, for want of provisions. On the contrary, we have, by great exertions, secured in this camp seventy thousand rations. I expect one hundred and twenty thousand in addition by the return of the present convoy, unless they meet with a disaster—a thing that can scarcely happen should my orders be duly executed, which I have no cause to doubt, from the character, vigilance, and experience of the commanding officer [Colonel Hamtramck]. A great number of men, as well as officers, have been left sick and debilitated at the respective garrisons,† from a malady called the influenza. Among others, General Wilkinson has been dangerously ill. He is now at Fort Jefferson, and on the recovery. I hope he will soon be sufficiently restored to take his command in the legion."

The approach of winter, which was regarded as an unfavorable season for carrying on active hostilities against the Indians, induced General Wayne to dismiss the Kentucky militia, and to place the regular troops in winter quarters. On a tributary of the southwest branch of the Big Miami

* About one thousand men.

† Forts Washington, Hamilton, St. Clair, and Jefferson.

river he erected Fort Greenville,* where he established his headquarters. On the 23d of December, 1793, he ordered eight companies of infantry, and a detachment of artillery, under the command of Major Henry Burbeck, to take possession of the ground on which St. Clair was defeated, in 1791, and to erect a fortification at that place. This order was executed, and the new post was called Fort Recovery.† When this fort was built and garrisoned, Governor Wayne received, from some of the hostile tribes, a message in which they expressed a desire to make peace with the United States. The terms, however, on which Wayne proposed to enter into pacific negotiations, were either evaded or rejected by the Indians—many of whom were led to believe, early in 1794, that Great Britain would, in the course of that year, assist them in their attempt to force the American settlers to retire from the territory lying on the northwestern side of the Ohio.‡

It is necessary here to refer to the unsettled and critical state of the relations which existed at this period between the United States of America and the governments of Great Britain, France, and Spain. The French nation, which, in 1778, under the government of Louis XVI, had established treaties of commerce and alliance with the United States, was, during the year 1793, convulsed to its center by the progress of an extraordinary and sanguinary revolution, terribly marked by its anarchy, massacres, cruelty, and impiety. The revolutionists formed a new constitution, abolished royalty, beheaded Louis XVI and his wife, suppressed religious communities, prohibited the wearing of ecclesiastical costumes, abolished Sundays, insti-

* This fort stood in the vicinity of the site on which the town of Greenville, in Darke county, Ohio, now stands.

† The site on which Fort Recovery was built lies on the bank of one of the head branches of the river Wabash, in the southwestern part of Mercer county, Ohio, about one mile and a quarter east of the eastern boundary of Indiana.

‡ On the 10th of February, 1794, Lord Dorchester, the governor-general of Canada, told a number of Indian chiefs, who were assembled in council at Quebec, "that he should not be surprised if Great Britain and the United States were at war in the course of the year;" and, in April, 1794, three companies of British troops moved from Detroit to the foot of the rapids of the Maumee, where, acting under the direction of Lieutenant-governor Simcoe, they built and garrisoned a fort on the left bank of the river.

tuted what was called the worship of Reason, armed near a million of soldiers,* and engaged in a war in which they were opposed by the arms of England, Holland, Spain, Portugal, Austria, Prussia, Sardinia, Piedmont, the two Sicilies, and the Roman States.

At this time, the government of the United States was pressed with business "equally delicate, difficult, and disagreeable."† On the 8th of April, 1793, Mr. Genet, minister-plenipotentiary of the French republic, arrived at Charleston, in South Carolina, where he was received with enthusiasm by the governor of the State and the citizens, who remembered, with sentiments of gratitude, the essential aid which the people of the United States had received from France during the latter years of the American revolutionary war. The secret instructions which were given by the executive council of France to Mr. Genet, on his departure for the United States, contained the following passage: "As it is possible that the false representations which have been made to Congress of the situation of our internal affairs—of the state of our maritime force—of our finances, and especially of the storms with which we are threatened, may make her ministers, in the negotiations which citizen Genet is instructed to open, adopt a timid and wavering conduct, the executive council charges him, *in the expectation that the American government will finally determine to make a common cause with us*, to take such steps as will appear to him exigencies may require, to serve the cause of liberty and the freedom of the people."‡ Holding the opinion that the government of the United States would finally determine to make a "*common cause*" with France, the French executive council had furnished Mr. Genet with blank commissions for privateers, to be delivered "to such French or American owners as should apply for the same;" and he had also, in his possession, "officers' commissions, in blank, for several grades in the army." Even before he reached Philadelphia, the seat of government, the British minister laid before the Presi-

* Letter (dated June 14, 1793.) from the French Minister Genet, to Mr. Jefferson, Secretary of State.

† Jefferson's Correspondence, iii, 248.

‡ American State Papers—Foreign Relations, i, 709. Pitkin's Political and Civil History, ii, 361.

dent a list of complaints, founded principally on the proceedings of Mr. Genet, who, at Charleston, undertook to authorize the fitting and arming of vessels, enlisting men, and giving commissions to cruise and commit hostilities on nations with whom the United States were at peace.*

Although the President and his cabinet wished to see the cause of republicanism triumph in France, they determined, at this crisis, to maintain the neutrality of the United States, however general the war might be in Europe; and on the 22d of April, 1793, twenty-three days before Mr. Genet arrived at the seat of government, Washington issued a proclamation, in which it was declared that "the duty and interest of the United States required that they should, with sincerity and good faith, adopt and pursue a conduct friendly and impartial toward the belligerent powers" of Europe; and that "it was the disposition of the United States to observe such conduct toward those powers respectively." The proclamation, also, exhorted and warned the citizens of the United States carefully to avoid all acts and proceedings whatsoever tending to contravene such a disposition; and declared that those citizens of the United States, who might render themselves liable to punishment, under the law of nations, by committing, aiding, or abetting hostilities against any of the belligerent powers, or by carrying to any of them those articles which were deemed contraband, would not receive the protection of the United States.†

Mr. Genet, on the 16th of May, arrived at Philadelphia, where he was received by the Administration as the accredited minister of the French republic; yet, in defiance of the spirit of the proclamation of neutrality, he continued to distribute military commissions to American citizens, and to authorize not only the enlisting of such citizens, but the arming, in American ports, of vessels engaged in the service of France. On the 22d of June, 1793, Mr. Jefferson, secretary of state, received a communication from Mr. Genet, in which that minister said: "Do not punish the brave individuals of your nation who arrange themselves under our banner, knowing perfectly well, that no law of the United States gives to the

* American State Papers—Foreign Relations, i, 150, 706. Pitkin, ii, 367.

† American State Papers—Foreign Relations, i, 140.

government the sad power of arresting their zeal by acts of rigor. The Americans are free; they are not attached to the glebe like the slaves of Russia; they may change their situation when they please.”* Holding and expressing these opinions—disregarding the remonstrances of Washington and his cabinet, and encouraged by the sympathy of a large portion of the people of the United States, Mr. Genet authorized some of his officers in South Carolina and Georgia to enlist men, and lead an expedition against the Spaniards of Florida; and about the 2d of October, 1793, he despatched four Frenchmen (Charles Delpeau, Maturin, La Chaise, and Gignoux) from Philadelphia, with a number of blank commissions, and with instructions to proceed to Kentucky, and raise an army of two thousand men, under the authority of the French Republic, for the purpose of invading the Spanish possessions of Louisiana.† General George Rogers Clark accepted a commission from the agents of Genet—agreed to command the proposed expedition against Louisiana, and issued proposals for raising troops. In these proposals, he styled himself “Major-general in the armies of France, and commander-in-chief of the French revolutionary legions on the Mississippi;” and called “for volunteers for the reduction of the Spanish forts on the Mississippi, for opening the trade of that river, and giving freedom to its inhabitants.” “All persons serving on the expedition, to be entitled to one thousand acres of land; those that engage for one year will be entitled to two thousand; if they serve three years, or during the present war with France, they will have three thousand acres of any unappropriated land that may be conquered; the officers in proportion, pay, etc., as other French troops. All lawful plunder to be equally divided according to the custom of war. Those who serve the expedition will have their choice of receiving their lands, or one dollar per day.”‡

* American State Papers—Foreign Relations, i, 156.

† As early as the month of August, 1793, Genet, having been informed of the state of public opinion in Kentucky on the subject of the navigation of the Mississippi, projected an expedition from that State against the Spaniards of Louisiana.

‡ H. Marshall's History of Kentucky, ii, 100, 102, 103. Pitkin, ii, 381. Butler's History of Kentucky, 224. American State Papers—Foreign Relations, i, 454 460

The extraordinary pretensions and the unwarrantable acts of Mr. Genet, and the many complaints and remonstrances, which, in consequence of his proceedings, were laid before the government of the United States by the minister of Great Britain and the commissioners of Spain, who then resided at Philadelphia, finally induced Washington to request the republic of France to recall its minister. On the 16th of August, 1793, Mr. Jefferson, secretary of state, despatched to Gouverneur Morris, American minister at Paris, a letter containing an account of the conduct of Mr. Genet, with instructions to lay the same before the French government. In this letter Mr. Jefferson said: "When the government forbids their citizens to arm and engage in the war, he [Genet] undertakes to arm and engage them. When they forbid vessels to be fitted in their ports for cruising on nations with whom they are at peace, he commissions them to fit and cruise. When they forbid an unceded jurisdiction to be exercised within their territory by foreign agents, he undertakes to uphold that exercise, and to avow it openly. * * * That friendship, which dictates to us to bear with his conduct yet awhile, lest the interests of his nation here should suffer injury, will hasten them to replace an agent whose dispositions are such a misrepresentation of theirs, and whose continuance here is inconsistent with order, peace, respect, and that friendly correspondence which we hope will ever subsist between the two nations. His government will see, too, that the case is pressing—that it is impossible for two sovereign and independent authorities to be going on within our territory, at the same time, without collision. They will foresee that if Mr. Genet perseveres in his proceedings, the consequences would be so hazardous to us, the example so humiliating and pernicious, that we may be forced even to suspend his functions before a successor can arrive to continue them. If our citizens have not already been shedding each other's blood, it is not owing to the moderation of Mr. Genet, but to the forbearance of the government."*

A copy of this letter from the secretary of state to Gouverneur Morris, was sent to Mr. Genet, who, on the 18th of Sep-

* American State Papers—Foreign Relations, i, 170.

tember, 1793, wrote to Mr. Jefferson a letter which contained the following remarkable expressions: "It is in the name of the French people, that I am sent to their brethren—to free and sovereign men. It is then for the representatives of the American people, *and not for a single man*, to exhibit against me an act of accusation, if I have merited it. A despot may singly permit himself to demand from another despot the recall of his representative, and to order his expulsion in case of refusal. This is what the Empress of Russia did with respect to myself, from Louis XVI. But in a free state it can not be so, unless order be entirely subverted; unless the people, in a moment of blindness, choose to rivet their fetters, in making to a single individual the abandonment of their most precious rights. * * * You are made to reproach me with having indiscreetly given to my official proceedings a tone of color, which has induced a belief, that they did not know, in France, either my character or my manners. I will tell you the reason, sir: it is that a pure and warm blood runs with rapidity in my veins; that I love passionately my country; that I adore the cause of liberty; that I am always ready to sacrifice my life to it; that to me it appears inconceivable, that all the enemies of tyranny, that all virtuous men, do not march with us to the combat; and that, when I find an injustice is done to my fellow citizens, that their interests are not espoused with the zeal which they merit, no consideration in the world would hinder either my pen or my tongue from tracing, from expressing my pain. I will tell you then without ceremony, that I have been extremely wounded, sir: 1st, That the President of the United States was in a hurry, before knowing what I had to transmit to him, on the part of the French republic, to proclaim sentiments, on which decency and friendship should at least have drawn a veil. 2d, That he did not speak to me at my first audience, but of the friendship of the United States toward France, without saying a word to me, without announcing a single sentiment, on our revolution; while all the towns from Charleston to Philadelphia, had made the air resound with their most ardent wishes for the French republic. 3d, That he had received and admitted to a private audience, before my arrival, Noailles and Talon, known agents of the French counter-revolutionists, who have since had intimate relations with

two members of the federal government. 4th, That this first magistrate of a free people, decorated his parlor with certain medallions of Capet* and his family, which served at Paris as signals of rallying. 5th, That the first complaints which were made to my predecessor on the armaments and prizes which took place at Charleston on my arrival, were in fact, but a paraphrase of the notes of the English minister. 6th, That the secretary of war,† to whom I communicated the wish of our governments of the Windward Islands, to receive promptly some firearms and some cannon, which might put into a state of defense possessions guaranteed by the United States, had the front to answer with an ironical carelessness, that the principles established by the president, did not permit him to lend us so much as a pistol. 7th, That the secretary of the treasury,‡ with whom I had a conversation on the proposition which I made to convert almost the whole American debt, by means of an operation of finance authorized by law, into flour, rice, grain, salted provisions, and other objects of which France had the most pressing need, added to the refusal which he had already made officially of favoring this arrangement, the positive declaration, that, even if it were practicable, the United States could not consent to it, because England would not fail to consider this extraordinary reimbursement furnished to a nation with which she is at war, as an act of hostility. 8th, That, by instructions from the President of the United States, the American citizens who ranged themselves under the banners of France, have been prosecuted and arrested; a crime against liberty unheard of, of which a virtuous and popular jury avenged with *éclat* the defenders of the best of causes. 9th, That incompetent tribunals were suffered to take cognizance of facts relative to prizes which treaties interdict them expressly from doing: that, on their acknowledgment of their incompetency, this property, acquired by the right of war, was taken from us, that it was thought ill of, that our consuls protested against these arbitrary acts, and that, as a reward for his devotion to his duty, the one at Boston was imprisoned as a malefactor. 10th, That the President of the United States took on himself to give to our treaties arbitrary interpretations, ab-

* Louis XVI.

† General Henry Knox.

‡ Alexander Hamilton.

solutely contrary to their true sense, and that, by a series of decisions which they would have us receive as laws, he left no other indemnification to France for the blood she spilt, for the treasure she dissipated in fighting for the independence of the United States, but the illusory advantage of bringing into their ports the prizes made on their enemies, without being able to sell them. 11th, That no answer is yet given to the notification of the decree of the National Convention for opening our ports in the two worlds to the American citizens, and granting the same favors to them as to the French citizens—advantages which will cease if there be a continuance to treat us with the same injustice. 12th, That he [Washington] has deferred, in spite of my respectful insinuations, to convoke Congress immediately, in order to take the true sentiments of the people, to fix the political system of the United States, and to decide whether they will break, suspend, or tighten their bands with France—an honest measure, which would have avoided to the general government much contradiction and subterfuge, to me much pain and disgust, to the local governments, embarrassments so much the greater, as they found themselves placed between treaties, which are laws, and decisions of the federal government, which are not: in fine, to the tribunals, duties so much the more painful to fulfill, as they have been often under the necessity of giving judgments contrary to the intentions of the government. It results from all these facts, sir, that I could not but be profoundly affected with the conduct of the federal government toward my country.”*

By letters of the 9th of November, 1793, President Washington requested Isaac Shelby, governor of Kentucky, and Arthur St. Clair, governor of the territory of the United States northwest of the river Ohio, to “take all the measures in the course of the law,” and, “if necessary, to use effectual military force” for the prevention of any hostile enterprise against the possessions of Spain on the Mississippi. Governor St. Clair immediately published a proclamation in his territory informing the citizens of the contemplated invasion, and warning them of the dangerous consequences of participating in it.

* American State Papers—Foreign Relations, i, 172.

The governor of Kentucky, on the 13th of January, 1794, wrote to Mr. Jefferson, secretary of state of the United States, a letter which contained the following passage: "I have great doubts, even if they [the agents and officers of Genet] do attempt to carry their plan into execution, (provided they manage their business with prudence,) whether there is any legal authority to restrain or punish them, at least before they have actually accomplished it: for, if it is lawful for any one citizen of this State to leave it, it is equally so for any number of them to do it. It is also lawful for them to carry with them any quantity of provisions, arms, and ammunition; and, if the act is lawful in itself, there is nothing but the particular intention with which it is done that can possibly make it unlawful; but I know of no law which inflicts a punishment on intention, only, or a criterion by which to decide what would be sufficient evidence of that intention, if it was a proper subject of legal censure. I shall, upon all occasions, be averse to the exercise of any power which I do not consider myself as being clearly and explicitly invested with; much less would I assume a power to exercise it against men who I consider as friends and brethren, in favor of a man whom I view as an enemy and a tyrant. I shall also feel but little inclination to take an active part in punishing or restraining any of my fellow citizens for a supposed intention, only to gratify or remove the fears of the minister to a prince, who openly withholds from us an invaluable right, and who secretly instigates against us a most savage and cruel enemy. But, whatever may be my private opinion as a man, as a friend to liberty, an American citizen, and an inhabitant of the western waters, I shall, at all times, hold it as my duty to perform whatever may be constitutionally required of me, as Governor of Kentucky, by the President of the United States."*

In the State of Kentucky, the friends of the republic of France continued their efforts to raise an army for the invasion of Louisiana. They enlisted men, purchased boats, provisions, arms, and ammunition, and fixed the place of rendezvous at the falls of the river Ohio, from which point they expected to move, with two thousand men, on the 15th of

* American State Papers—Foreign Relations, i, 456.

April, 1794. At this time, while the foreign and domestic affairs of the American government were in a critical condition, the fact that the sympathy of a very large portion of the people of the United States was strongly enlisted in the cause of France, did not escape the jealous vigilance of the governments of Great Britain and Spain. Hence, at Quebec, on the 10th of February, 1794, Lord Dorchester told a number of Indian chiefs "that he should not be surprised if Great Britain and the United States were at war in the course of the year." Soon after this declaration was made, Lieutenant-governor Simcoe was ordered to establish a British military post at the foot of the rapids of the river Maumee, in the heart of the Indian country; and, early in the spring of 1794, a messenger from the Spaniards west of the Mississippi, arrived among the Indians, who were assembled at the rapids of the Maumee. This messenger was "charged with a war speech, offering assistance from the Spanish settlements about the Mississippi."*

In the month of February, 1794, Mr. Fauchet arrived in the United States, and was received as the accredited minister of the French republic, in the place of Mr. Genet. The new minister condemned the conduct of his predecessor, and, for a brief period of time "used all the means in his power to prevent [French] armaments in the United States."†

On the 24th of March, 1794, President Washington published the following proclamation:

"Whereas, I have received information that certain persons, in violation of the laws, have presumed, under color of a foreign authority, to enlist citizens of the United States and others, within the State of Kentucky, and have there assembled an armed force, for the purpose of invading and plundering the territories of a nation at peace with the United States: And, whereas, such unwarrantable measures, being contrary to the laws of nations, and to the duties incumbent on every citizen of the United States, tend to disturb the tranquillity of the same, and to involve them in the calamities of war: And, whereas, it is the duty of the executive to take care that

*Stone's Life of Brant, ii, 375 †Am. State Papers—Foreign Relations, i, 588.

such criminal proceedings should be suppressed, the offenders brought to justice, and all good citizens cautioned against measures likely to prove so pernicious to their country and themselves, should they be seduced into similar infractions of the laws. I have, therefore, thought proper to issue this proclamation, hereby solemnly warning every person not authorized by the laws, against enlisting any citizen or citizens of the United States, or levying troops, or assembling any persons within the United States for the purposes aforesaid, or proceeding in any manner to the execution thereof, as they will answer the same at their peril: And I do, also, admonish and require all citizens to refrain from enlisting, enrolling, or assembling themselves for such unlawful purposes; and from being in any way concerned, aiding or abetting therein, as they tender their own welfare; inasmuch as all lawful means will be strictly put in execution for securing obedience to the laws, and for punishing such daring and dangerous violations. And I do, moreover, charge and require all courts, magistrates, and other officers whom it may concern, according to their respective duties, to exert the powers in them severally vested, to prevent and suppress all such unlawful assemblages and proceedings, and to bring to condign punishment those who may have been guilty thereof, as they regard the due authority of government and the peace and welfare of the United States. In testimony whereof I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at Philadelphia, the 24th day of March, 1794, and of the independence of the United States of America, the eighteenth.

GEO. WASHINGTON."

On the 31st of March, seven days after the publication of the foregoing proclamation, Washington dispatched orders and instructions to General Wayne, requiring that officer to send a "detachment to take post at Fort Massac;* and to erect a strong redoubt and blockhouse, with some suitable cannon

*Fort Massac, or "the old Cherokee fort," stood on the northern bank of the Ohio, about eight miles below the mouth of the Tennessee river. It is said that the name of this place had its origin in the massacre of a small number of Frenchmen who made an attempt, in the early part of the 18th century, to establish a trading-post at this point.

from Fort Washington." In obedience to this requisition, General Wayne ordered Major Thomas Doyle, with a small detachment consisting of infantry and artillery, to move from Fort Washington down the river Ohio, and fortify the site of old Fort Massac. Major Doyle was furnished with the following instructions, which were marked "secret and confidential:"

"It has not been unknown to you, that a number of lawless people, residing on the waters of the Ohio, in defiance of the national authority, have entertained the daring design of invading the territories of Spain. The atrocity of this measure, and its probable effects, are pointed out in the proclamation of the President of the United States, herewith delivered to you. If this design should be persisted in, or hereafter revived, and any such parties should make their appearance in the neighborhood of your garrison, and you should be well informed that they are armed and equipped for war, and entertain the criminal intention described in the President's proclamation, you are to send to them some person in whose veracity you could confide, and if such person should be a peace officer he would be the most proper messenger, and warn them of their evil proceedings, and forbid their attempting to pass the fort at their peril. But if, notwithstanding every peaceable effort to persuade them to abandon their criminal design, they should still persist in their attempts to pass down the Ohio, you are to use every military means in your power for preventing them, and for which this shall be your sufficient justification, provided you have taken all the pacific steps before directed."

The discouraging conduct of the new French minister, the proclamation of the President, the passage, by Congress, of a law "providing for the punishment of certain crimes against the United States,"* and the erection of a military post at Fort Massac, finally forced the friends of the French republic to abandon, reluctantly, an expedition which was planned and almost prepared, "for the reduction of the Spanish forts on the Mississippi, for opening the trade of that river, and giving freedom to its inhabitants."

* Laws of the United States, ii, 425.

CHAPTER XXVII.

WAYNE'S EXPEDITION.

ON the morning of the 30th day of June, 1794, an escort, consisting of ninety riflemen and fifty dragoons, commanded by Major McMahon, was attacked by "a numerous body of Indians, under the walls of Fort Recovery."* The Indians, who were probably assisted by a small number of British agents and French Canadian volunteers, made several attacks on the fort within the space of about twenty-four hours, when they retired. In these attacks, the Americans lost twenty-two men killed, thirty wounded, and three missing. They also lost two hundred and twenty-one horses, killed, wounded, and missing. Among the officers killed, were Major McMahon, Captain Hartshorne, Lieutenant Craig, and Cornet Torry. Captain Alexander Gibson, (who was the commandant at Fort Recovery,) Captain Taylor, of the dragoons, and Lieutenant Drake, of the infantry, were distinguished for their gallant conduct. The Indians left eight or ten warriors dead on the field; although they were employed during the night, which was dark and foggy, in carrying off their dead [and wounded] by torchlight."†

On the 26th of July, 1794, Major-general Scott, with about sixteen hundred mounted volunteers from Kentucky, arrived at Fort Greenville, and joined the regular troops under the command of Wayne; and on the 28th of July the united forces commenced their march for the Indian towns on the Maumee river. On the banks of St. Mary's river, at a point about twenty-four miles northward of Fort Recovery, Wayne erected and garrisoned a small post which he named Ft. Adams. The army moved from this position on the 4th of August, and

*Am. State Papers—Indian Affairs, i, 487.—The number of Indians who were engaged in this attack on Fort Recovery, has been variously estimated at from seven hundred to fifteen hundred men.

†Letter from Wayne to the Secretary of War, dated "Greenville, 7th July, 1794."

arrived, on the 8th of the same month, at the confluence of the Maumee and Auglaize rivers. In a letter, dated at this place on the 14th of August, 1794, and addressed to the secretary of war, General Wayne said: "I have the honor to inform you that the army under my command took possession of this very important post on the morning of the 8th instant—the enemy, on the preceding evening, having abandoned all their settlements, towns, and villages, with such apparent marks of surprise and precipitation, as to amount to a positive proof that our approach was not discovered by them until the arrival of a Mr. Newman, of the quartermaster-general's department, who deserted from the army near the St. Mary's. * * * I had made such demonstrations, for a length of time previously to taking up our line of march, as to induce the savages to expect our advance by the route of the Miami villages, to the left, or toward Roche de Bout, by the right—which feints appear to have produced the desired effect, by drawing the attention of the enemy to those points, and gave an opening for the army to approach undiscovered by a devious, *i. e.*, in a central direction. Thus, sir, we have gained possession of the grand emporium of the hostile Indians of the west, without loss of blood. The very extensive and highly-cultivated fields and gardens, show the work of many hands. The margin of those beautiful rivers, the Miamis of the lake [or Maumee] and Auglaize, appear like one continued village for a number of miles, both above and below this place; nor have I ever before beheld such immense fields of corn, in any part of America, from Canada to Florida. We are now employed in completing a strong stockade-fort, with four good blockhouses, by way of bastions, at the confluence of Auglaize and the [Maumee], which I have called Defiance. * * Every thing is now prepared for a forward move to-morrow morning toward Roche de Bout, or foot of the rapids. * * Yet I have thought proper to offer the enemy a last overture of peace; and as they have every thing that is dear and interesting now at stake, I have reason to expect that they will listen to the proposition mentioned in the inclosed copy of an address,* dispatched yes-

* This letter was addressed, "To the Delawares, Shawanees, Miamis, and Wyandots, and to each and every of them; and to all other nations of In-

terday by a special flag [Christopher Miller], who I sent under circumstances that will insure his safe return, and which may eventually spare the effusion of much human blood. But should war be their choice, that blood be upon their own heads. America shall no longer be insulted with impunity. To an all-powerful and just God I therefore commit myself and gallant army."

General Wayne moved with his forces from Fort Defiance, on the 15th of August, 1794, and directed his march toward the British fort at the foot of the rapids of the river Maumee. On the 20th of August he gained a decisive victory over the army of the Indians. The battle was fought on the left bank of the Maumee, almost within the reach of the guns of the British fort. The following account of this engagement was transmitted, by General Wayne, to the secretary of war:

"HEADQUARTERS, [Fort Defiance,]
"Grand Glaize, 28th August, 1794." }

"SIR: It is with infinite pleasure that I now announce to you the brilliant success of the Federal army under my command, in a general action with the combined force of the hostile Indians, and a considerable number of the volunteers and militia of Detroit, on the 20th instant, on the banks of the Maumee, in the vicinity of the British post and garrison, at

dians northwest of the Ohio, whom it may concern." It contained the following passage: "BROTHERS—Be no longer deceived or led astray by the false promises and language of the bad white men at the foot of the rapids: they have neither the power nor inclination to protect you. No longer shut your eyes to your true interest and happiness, nor your ears to this last overture of peace. But, in pity to your innocent women and children, come and prevent the further effusion of your blood. Let them experience the kindness and friendship of the United States of America, and the invaluable blessings of peace and tranquillity." The letter, also, invited "each and every hostile tribe of Indians to appoint deputies" to meet Wayne, without delay, between the mouth of Auglaize and the foot of the rapids of the Maumee, "in order to settle the preliminaries of a lasting peace." Miller, the bearer of the letter, left Fort Defiance at four o'clock, P. M., on the 13th of August. On the 16th, he brought an answer from some of the hostile Indians to General Wayne, in which they said, "that if he waited where he was ten days, and then sent Miller for them, they would treat with him; but that if he advanced, they would give him battle."

the foot of the rapids. The army advanced from this place [Fort Defiance] on the 15th, and arrived at Roche de Bout on the 18th: the 19th was employed in making a temporary post* for the reception of our stores and baggage, and in reconnoitering the position of the enemy, who were encamped behind a thick, brushy wood, and the British fort.

"At eight o'clock on the morning of the 20th, the army again advanced in columns, agreeably to the standing order of march; the legion on the right, its flank covered by the Maumee; one brigade of mounted volunteers on the left, under Brigadier-general Todd, and the other in the rear, under Brigadier-general Barbee. A select battalion of mounted volunteers moved in front of the legion, commanded by Major Price, who was directed to keep sufficiently advanced, so as to give timely notice for the troops to form in case of action, it being yet undetermined whether the Indians would decide for peace or war.

"After advancing about five miles, Major Price's corps received so severe a fire from the enemy, who were secreted in the woods and high grass, as to compel them to retreat. The legion was immediately formed in two lines, principally in a close, thick wood, which extended for miles on our left, and for a very considerable distance in front, the ground being covered with old fallen timber, probably occasioned by a tornado, which rendered it impracticable for the cavalry to act with effect, and afforded the enemy the most favorable covert for their mode of warfare. The savages were formed in three lines, within supporting distance of each other, and extending for near two miles, at right angles with the river. I soon discovered, from the weight of the fire and extent of their lines, that the enemy were in full force in front, in possession of their favorite ground, and endeavoring to turn our left flank. I therefore gave orders for the second line to advance and support the first; and directed Major-general Scott to gain and turn the right flank of the savages, with the whole of the mounted volunteers, by a circuitous route; at the same time I ordered the front line to advance and charge with trailed arms,

* This post, which was called "Fort Deposit," was about seven miles from the British fort at the foot of the rapids.

and rouse the Indians from their coverts at the point of the bayonet, and when up, to deliver a close and well-directed fire on their backs, followed by a brisk charge, so as not to give them time to load again.

"I also ordered Captain Mis Campbell, who commanded the legionary cavalry, to turn the left flank of the enemy next the river, and which afforded a favorable field for that corps to act in. All these orders were obeyed with spirit and promptitude; but such was the impetuosity of the charge by the first line of infantry, that the Indians and Canadian militia and volunteers were drove from all their coverts in so short a time, that, although every possible exertion was used by the officers of the second line of the legion, and by Generals Scott, Todd, and Barbee, of the mounted volunteers, to gain their proper positions, but part of each could get up in season to participate in the action; the enemy being drove, in the course of one hour, more than two miles through the thick woods already mentioned by less than one-half their numbers. From every account, the enemy amounted to two thousand combatants. The troops actually engaged against them were short of nine hundred.* This horde of savages, with their allies, abandoned themselves to flight, and dispersed with terror and dismay, leaving our victorious army in full and quiet possession of the field of battle, which terminated under the influence of the guns of the British garrison, as you will observe by the inclosed correspondence between Major Campbell, the commandant, and myself, upon the occasion.

"The bravery and conduct of every officer belonging to the army, from the generals down to the ensigns, merit my highest approbation. There were, however, some, whose rank and situation placed their conduct in a very conspicuous point of view, and which I observed with pleasure, and the most lively gratitude. Among whom, I must beg leave to mention Brig-

*The exact number of Indians engaged in this action, against Wayne's army, has never been ascertained. There were, however, about 450 Delawares, 175 Miamis, 275 Shawanees, 225 Ottawas, 275 Wyandots, and a small number of Senecas, Pottawattamies, and Chippewas. The number of white men who fought in defense of the Indians in this engagement, was about seventy, including a corps of volunteers from Detroit, under the command of Captain Caldwell.

adier-general Wilkinson and Colonel Hamtramck, the commandants of the right and left wings of the legion, whose brave example inspired the troops. To those I must add the names of my faithful and gallant aids-de-camp, Captains De Butt and T. Lewis; and Lieutenant Harrison, who, with the adjutant-general, Major Mills, rendered the most essential service by communicating my orders in every direction, and by their conduct and bravery exciting the troops to press for victory. Lieutenant Covington, upon whom the command of the cavalry now devolved, cut down two savages with his own hand; and Lieutenant Webb one, in turning the enemy's left flank. The wounds received by Captains Slough and Prior, and Lieutenant Campbell Smith, an extra aid-de-camp to General Wilkinson, of the legionary infantry, and Captain Van Rensselaer, of the dragoons, Captain Rawlins, Lieutenant McKenny, and Ensign Duncan, of the mounted volunteers, bear honorable testimony of their bravery and conduct.

"Captains H. Lewis and Brock, with their companies of light infantry, had to sustain an unequal fire for some time, which they supported with fortitude. In fact, every officer and soldier, who had an opportunity to come into action, displayed that true bravery which will always ensure success. And here permit me to declare, that I never discovered more true spirit and anxiety for action, than appeared to pervade the whole of the mounted volunteers; and I am well persuaded that, had the enemy maintained their favorite ground for one-half hour longer, they would have most severely felt the prowess of that corps. But, while I pay this tribute to the living, I must not neglect the gallant dead, among whom we have to lament the early death of those worthy and brave officers, Captain Mis Campbell, of the dragoons, and Lieutenant Towles, of the light infantry, of the légion, who fell in the first charge.

"Enclosed is a particular return of the killed and wounded.* The loss of the enemy was more than double to that of the

* According to this return, the regular troops lost twenty-six killed and eighty-seven wounded. The loss of the Kentucky volunteers was seven killed and thirteen wounded. Nine regulars and two volunteers died of their wounds, before the 28th of August, 1794.

Federal army. The woods were strewed for a considerable distance with the dead bodies of Indians,* and their white auxiliaries—the latter armed with British muskets and bayonets.

“We remained three days and nights on the banks of the Maumee, in front of the field of battle, during which time all the houses and cornfields were consumed and destroyed for a considerable distance both above and below Fort Miami, as well as within pistol shot of the garrison, who were compelled to remain tacit spectators to this general devastation and conflagration, among which were the houses, stores, and property of Colonel McKee, the British Indian agent, and principal stimulator of the war now existing between the United States and the savages.

“The army returned to this place [Fort Defiance] on the 27th, by easy marches, laying waste the villages and cornfields for about fifty miles on each side of the Maumee. There remains yet a great number of villages, and a great quantity of corn, to be consumed or destroyed, upon Auglaize and the Maumee above this place, which will be effected in the course of a few days. In the interim, we shall improve Fort Defiance; and, as soon as the escort returns with the necessary supplies from Greenville and Fort Recovery, the army will proceed to the Miami villages, in order to accomplish the object of the campaign. It is, however, not improbable that the enemy may make one desperate effort against the army; as it is said that a reinforcement was hourly expected at Fort Miami† from Niagara, as well as numerous tribes of Indians living on the margin and islands of the lakes. This is a business rather to be wished for than dreaded, while the army remains in force. Their numbers will only tend to confuse the savages, and the victory will be the more complete and

* A “Daily Journal of Wayne’s Campaign,” says, “the enemy giving way in all quarters, * * * left us in possession of their dead, to the number of forty.”—*American Pioneer*, i, 318.

† At the time of the action of the 20th of August, the garrison of this fort consisted of about 250 regulars and 200 militia. There were “four nine-pounders, two large howitzers, and six six-pounders mounted in the fort, and two swivels.”—*American State Papers*.

decisive, and which may eventually insure a permanent and happy peace.

Under these impressions, I have the honor to be your most obedient and very humble servant,

ANTHONY WAYNE.

The Hon. Major-general H. KNOX, Secretary of War."

Immediately after the action of the 20th of August, the American troops continued their march down the northwestern banks of the Maumee, and encamped within view of the British fort.* While the American army occupied this position, (from the afternoon of the 20th to the forenoon of the 23d,) five letters passed between General Wayne and Major Campbell, the commandant of Fort Miami. Copies of these letters here follow:

[NUMBER I.]

"MIAMI [MAUMEE] RIVER, August 21, 1794.

"SIR: An army of the United States of America, said to be under your command, having taken post on the banks of the Miami [Maumee] for upwards of the last twenty-four hours, almost within the reach of the guns of this fort, being a post belonging to his majesty the king of Great Britain, occupied by his majesty's troops, and which I have the honor to command, it becomes my duty to inform myself, as speedily as possible, in what light I am to view your making such near approaches to this garrison. I have no hesitation, on my part, to say, that I know of no war existing between Great Britain and America.

I have the honor to be, sir, with great respect, your most obedient and very humble servant,

WILLIAM CAMPBELL,

Major 24th Regiment, commanding a British post on the banks of the Miami.

To Major-general WAYNE, etc."

* This fort, which was called "Fort Miami," [or Maumee,] stood on the northwestern bank of the river Maumee, at or near the site on which Maumee city (in Lucas county, Ohio) now stands.

[NUMBER II.]

"CAMP ON THE BANK OF THE MIAMI, [MAUMEE,] }
August 21, 1794. }

"SIR: I have received your letter of this date, requiring from me the motives which have moved the army under my command to the position they at present occupy, far within the acknowledged jurisdiction of the United States of America. Without questioning the authority or the propriety, sir, of your interrogatory, I think I may, without breach of decorum, observe to you, that, were you entitled to an answer, the most full and satisfactory one was announced to you from the muzzles of my small arms, yesterday morning, in the action against the horde of savages in the vicinity of your post, which terminated gloriously to the American arms; but, had it continued until the Indians, etc., were driven under the influence of the post and guns you mention, they would not have much impeded the progress of the victorious army under my command, as no such post was established at the commencement of the present war between the Indians and the United States.

I have the honor to be, sir, with great respect, your most obedient and very humble servant,

ANTHONY WAYNE,

Major-general, and Commander-in-chief of the Federal Army.

To Major WILLIAM CAMPBELL, etc."

[NUMBER III.]

FORT MIAMI, August 22d, 1794.

"SIR: Although your letter of yesterday's date fully authorizes me to any act of hostility against the army of the United States of America in this neighborhood, under your command, yet, still anxious to prevent that dreadful decision, which, perhaps, is not intended to be appealed to by either of our countries, I have forbore, for those two days past, to resent those insults you have offered to the British flag flying at this fort, by approaching it within pistol shot of my works, not only singly, but in numbers, with arms in their hands. Neither is it my wish to wage war with individuals; but, should you, after this, continue to approach my post in the threatening manner you are at this moment doing, my indispensable duty

to my king and country, and the honor of my profession, will oblige me to have recourse to those measures, which thousands of either nation may hereafter have cause to regret, and which, I solemnly appeal to God, I have used my utmost endeavors to arrest.

I have the honor to be, sir, with much respect, your most obedient and very humble servant,

WILLIAM CAMPBELL,

Major 24th Regiment, Commanding at Fort Miami.

Major-general WAYNE, etc."

[NUMBER IV.]

"CAMP, BANKS OF THE MIAMI, 22d August, 1794.

"SIR: In your letter of the 21st instant, you declare, 'I have no hesitation, on my part, to say, that I know of no war existing between Great Britain and America.' I, on my part, declare the same, and that the only cause I have to entertain a contrary idea at present, is the hostile act you are now in commission of, *i. e.*, by recently taking post far within the well-known and acknowledged limits of the United States, and erecting a fortification in the heart of the settlements of the Indian tribes now at war with the United States. This, sir, appears to be an act of the highest aggression, and destructive to the peace and interest of the Union. Hence, it becomes my duty to desire, and I do hereby desire and demand, in the name of the President of the United States, that you immediately desist from any further act of hostility or aggression, by forbearing to fortify, and by withdrawing the troops, artillery, and stores, under your orders and direction, forthwith, and removing to the nearest post occupied by his Britannic majesty's troops at the peace of 1783, and which you will be permitted to do unmolested by the troops under my command.

I am, with very great respect, sir, your most obedient and very humble servant,

ANTHONY WAYNE.

Major WILLIAM CAMPBELL, etc."

[NUMBER V.]

"FORT MIAMI, 22d August, 1794.

"SIR: I have this moment the honor to acknowledge the receipt of your letter of this date; in answer to which I have only to say, that, being placed here in the command of a British post, and acting in a military capacity only, I can not enter into any discussion, either on the right or impropriety of my occupying my present position. Those are matters that I conceive will be best left to the ambassadors of our different nations. Having said thus much, permit me to inform you that I certainly will not abandon this post at the summons of any power whatever, until I receive orders to that purpose from those I have the honor to serve under, or the fortune of war should oblige me. I must still adhere, sir, to the purport of my letter this morning, to desire that your army, or individuals belonging to it, will not approach within reach of my cannon, without expecting the consequences attending it. Although I have said, in the former part of my letter, that my situation here is totally military, yet, let me add, sir, that I am much deceived, if his majesty, the king of Great Britain, had not a post on this river, at and prior to the period you mention.

I have the honor to be, sir, with the greatest respect, your most obedient, and very humble servant,

WILLIAM CAMPBELL,

Major 24th Regiment, Commanding at Fort Miami.

To Major-general WAYNE, etc."

On the 14th of September, 1794, the army under the command of Wayne moved from Fort Defiance and marched toward the deserted Miami village which stood at the confluence of the rivers St. Joseph's and St. Mary's. The troops reached that place on the 17th of September; and, on the 18th, General Wayne reconnoitered the ground, and selected a site for a fort. On the 22d of October, a fort was completed and garrisoned by a strong detachment, consisting of infantry and artillery, under the command of Colonel John F. Hamtramck, who gave to the new fortification the name of Fort Wayne.* The mounted volunteers of Kentucky moved from the Miami

* A new fort was built on the site of this fort, in 1814.

village on the 14th of October, on their way to Fort Washington, where, soon after their arrival, they were mustered and discharged. On the 28th of October, the main body of the regular troops marched from Fort Wayne on their route to Greenville; at which post, on the 2d of November, General Wayne again established his headquarters for the winter.

The Indians, who were defeated on the 20th of August, 1794, retired, disappointed and disheartened, to the borders of Maumee bay: and, while Wayne continued to send messages to them, renewing his overtures of peace and friendship, and inviting them to visit Fort Greenville for the purpose of concluding a treaty with the United States, Lieutenant-governor Simcoe, Colonel McKee and other officers of the British Indian department, persuaded Little Turtle, Blue Jacket, Buck-ong-ahelas, and other distinguished chiefs, to agree to hold an Indian Council at the mouth of Detroit river. After the action of the 20th of August, there was a general suspension of hostilities on the part of the Indians, who seemed to be inclined to determine for war or peace, "according to the certainty or uncertainty of effectual support from the British."* A war between Great Britain and the United States at this juncture, was, however, prevented mainly by the prudence and firmness of Washington, seconded by the diplomatic skill of John Jay, who, on the 19th of April, 1794, was appointed envoy extraordinary from the United States of America, to the court of St. James, "for the purpose of confirming, between the United States of America and his Britannic majesty, perfect harmony and a good correspondence, and of removing all grounds of dissatisfaction."† On the 19th of November, 1794, at London, after protracted and perplexing negotiations, Mr. Jay and William Wyndham (Lord Grenville) concluded a treaty of amity, commerce, and navigation, between the United States and Great Britain.

This treaty was comprised in twenty-nine articles, the first of which was in the words following:—"There shall be a firm,

* American State Papers—Indian Affairs, p. 529.

† Letters of credence from Washington to John Jay; American State Papers—Foreign Relations, i, 471.

inviolable, and universal peace, and a true and sincere friendship, between his Britannic majesty, his heirs and successors, and the United States of America; and between their respective countries, territories, cities, towns, and people of every degree, without exception of persons or places." By the second article of the treaty, the king of Great Britain agreed to withdraw, on or before the first day of June, 1796, all his troops and garrisons from all posts and places within the boundary lines assigned to the United States by the treaty of peace of 1783.

During the winter of 1794-5, General Wayne was visited at his headquarters by parties of Wyandots, Ottawas, Chippewas, Pottawattamies, Sacs, Miamis, Delawares, and Shawanees; who, respectively, signed preliminary articles of peace, and agreed to meet Wayne at Greenville, on or about the 15th of June, 1795, with all the sachems and war-chiefs of their nations, for the purpose of concluding a definitive treaty of peace between the United States and the Indian tribes of the northwestern territory.

CHAPTER XXVIII.

WAYNE'S TREATY.

EARLY in the month of June, 1795, strong deputations from various tribes arrived at Greenville. The treaty of Fort Harmar, which was concluded at the mouth of the Muskingum, on the 9th of January, 1789, was selected by General Wayne as the foundation upon which the Indians were required to begin negotiations for peace. In the course of these negotiations, which were carried on from the 16th of June to the 10th of August, some of the Indian chiefs were unwilling to acknowledge the validity of the treaty of Fort Harmar. The Little Turtle, a Miami chief, addressing General Wayne, on the 18th of July, said—"You have told me that the present treaty

should be founded upon that of Muskingum. I beg leave to observe to you, that that treaty was effected altogether by the Six Nations, who seduced some of our young men to attend it, together with a few of the Chippewas, Wyandots, Delawares, Ottawas, and Pottawattamies. I beg leave to tell you that I am entirely ignorant of what was done at that treaty.”*

On the 19th of July, Blue Jacket, a distinguished Shawanee chief, being in private conference with General Wayne, said:

“Brother: I am very happy, that, notwithstanding all the difficulties and obstructions I had to encounter from my relations and others at Detroit, I have succeeded so far in bringing my people to you at this time. I expect intelligence this day of the approach of more of them. I have briefly acquainted you with these things. I repeat my assurances of the sincerity of my sentiments, and resolution to be, for the future, a steady friend to the United States.”

On the 21st of July, in council, Masass, a Chippewa chief, spoke to General Wayne, in behalf of the Ottawas, Chippewas, and Pottawattamies, who were called “the three fires.” The following is an extract from his speech:

“Elder brother: When you yesterday read to us the treaty of Muskingum, I understood you clearly: at that treaty we had not good interpreters, and we were left partly unacquainted with many particulars of it. I was surprised when I heard your voice, through a good interpreter, say that we had received presents and compensation for those lands which were thereby ceded. I tell you, now, that we, the three fires, never were informed of it. If our uncles, the Wyandots, and grandfathers, the Delawares, have received such presents, they have kept them to themselves. I always thought that we, the Ottawas, Chippewas, and Pottawattamies, were the true owners of those lands, but now I find that new masters have undertaken to dispose of them; so that, at this day, we do not know to whom they, of right, belong. We never received any compensation for them. I don’t know how it is, but ever since that

*Minutes and proceedings of the Treaty at Greenville.—AM. STATE PAPERS—INDIAN AFFAIRS, p. 567.

treaty, we have become objects of pity, and our fires have been retiring from this country. Now, elder brother, you see we are objects of compassion; and, have pity on our weakness and misfortunes; and, since you have purchased these lands, we cede them to you: they are yours. Perhaps, at a future day, your younger brothers may be made happy, by becoming your children, should you extend to us your paternal protection."

Soon after Massas closed his remarks, on the 21st, the Miami chief, Little Turtle, addressed to General Wayne the following speech:

"I wish to ask of you and my brothers present, one question. I would be glad to know what lands have been ceded to you, as I am uninformed in this particular. I expect that the lands on the Wabash, and in this country, belong to me and my people. I now take the opportunity to inform my brothers of the United States, and others present, that there are men of sense and understanding among my people, as well as among theirs, and that these lands were disposed of without our knowledge or consent. I was, yesterday, surprised, when I heard from our grandfathers, the Delawares, that these lands had been ceded by the British to the Americans, when the former were beaten by, and made peace with, the latter; because you had before told us that it was the Wyandots, Delawares, Ottawas, Chippewas, Pottawattamies, and Sauckeyes, [Sacs,] who had made this cession."*

On the 22d of July, in council, at Greenville, Little Turtle spoke as follows:

"GENERAL WAYNE:—"I hope you will pay attention to what I now say to you. I wish to inform you where your younger brothers, the Miamis, live, and, also, the Pottawattamies of St. Joseph's, together with the Wabash Indians. You have pointed out to us the boundary line between the Indians and the United States, but now I take the liberty to inform you that that line cuts off from the Indians a large portion of country which has been enjoyed by my forefathers, time im-

*Minutes and proceedings of the Treaty at Greenville.

memorial, without molestation or dispute. The print of my ancestors' houses are every where to be seen in this portion. I was a little astonished at hearing you, and my brothers who are now present, telling each other what business you had transacted together heretofore at Muskingum, concerning this country. It is well known by all my brothers present, that my forefather kindled the first fire at Detroit; from thence he extended his lines to the headwaters of Scioto; from thence to its mouth; from thence, down the Ohio, to the mouth of the Wabash; and from thence to Chicago, on lake Michigan; at this place, I first saw my elder brothers, the Shawanees. I have now informed you of the boundaries of the Miami nation, where the Great Spirit placed my forefather a long time ago, and charged him not to sell or part with his lands, but to preserve them for his posterity. This charge has been handed down to me. I was much surprised to find that my other brothers differed so much from me on this subject: for their conduct would lead one to suppose, that the Great Spirit, and their forefathers, had not given them the same charge that was given to me, but, on the contrary, had directed them to sell their lands to any white man who wore a hat, as soon as he should ask it of them. Now, elder brother, your younger brothers, the Miamis, have pointed out to you their country, and also to our brothers present. When I hear your remarks and proposals on this subject, I will be ready to give you an answer. I came with an expectation of hearing you say good things, but I have not yet heard what I expected.”*

Tarke, or Crane, the chief of the Wyandots, then arose and made a speech, from which the following passages are copied: “ELDER BROTHER: [General Wayne:] Now listen to us! The Great Spirit above has appointed this day for us to meet together. I shall now deliver my sentiments to you, the fifteen fires. I view you lying in a gore of blood. It is me, an Indian, who has caused it. Our tomahawk yet remains in your head. The English gave it to me to place there. Elder Brother, I now take the tomahawk out of your head; but, with so much care, that you shall not feel pain or injury. I will now tear a big tree up by the roots, and throw the hatchet

* Minutes and proceedings of the Treaty of Greenville.

into the cavity which they occupied, where the waters will wash it away where it can never be found. Now I have buried the hatchet, and I expect that none of my color will ever again find it out. I now tell you, that no one in particular can justly claim this ground: it belongs, in common, to us all: no earthly being has an exclusive right to it. The Great Spirit above is the true and only owner of this soil, and he has given us all an equal right to it. * * * Brother: You have proposed to us to build our good work on the treaty of Muskingum: that treaty I have always considered as formed upon the fairest principles. You took pity on us Indians. You did not do as our fathers, the British, agreed you should. You might, by that agreement, have taken all our lands; but you pitied us, and let us hold part. I always looked upon that treaty to be binding upon the United States and us Indians.”*

In council, on the 24th of July, General Wayne delivered the following speech before the assembled Indians: “Brothers: The Ottawas, Chippewas, and Pottawattamies, open your ears, and be attentive: I have heard, with very great pleasure, the sentiments delivered by Masass, as the unanimous voice of your three nations. When Mash-i-pi-nash-i-wish, your uncle, came to me, last winter, I took him to my bosom, and delivered him the keys of all my forts and garrisons; and my heart rejoices when I look around me and see so many of your chiefs and warriors assembled here in consequence of that happy meeting. It will give infinite pleasure to General Washington, the great chief of the fifteen fires, when I inform him you have thrown the hatchet with so strong an arm, that it has reached the middle, and sunk to the bottom of the great lake, and that it is now so covered with sand that it can never again be found. The belt which was given to Wassung,† many years since, establishing a road between you and the fifteen fires, I now return, renewed, and cleared of all the brush and brambles with which time had scattered it.

“Brothers, of the three great fires: You say that you thought you were the owners of the land that was sold to the fifteen fires, at the treaty of Muskingum; but, you say, also,

* Minutes and proceedings of the Treaty of Greenville.

† A Chippewa Indian.

that you never received any compensation for those lands. It was always the wish and the intention of the fifteen fires that the true owners of those lands should receive a full compensation for them. If you did not receive a due proportion of the goods, as original proprietors, it was not the fault of the United States. On the contrary, the United States have twice paid for those lands—first, at the treaty of [Fort] McIntosh, ten years ago, and next at that of Muskingum, six years since. Younger brothers: Notwithstanding these lands have been twice paid for, by the fifteen fires, at the places I have mentioned, yet, such is the justice and liberality of the United States that they will now, a third time, make compensation for them. [A large string to the three fires.]

“Brothers, the Miamis: I have paid attention to what the Little Turtle said two days since, concerning the lands which he claims. He said his fathers first kindled the fire at Detroit, and stretched his line from thence to the headwaters of Scioto; thence, down the same, to the Ohio; thence, down that river, to the mouth of the Wabash; and from thence to Chicago, on the southwest end of lake Michigan, and observed that his forefathers had enjoyed that country undisturbed from time immemorial. Brothers: These boundaries inclose a very large space of country, indeed: they embrace, if I mistake not, all the lands on which all the nations now present live, as well as those which have been ceded to the United States. The lands which have been ceded, have, within these three days, been acknowledged by the Ottawas, Chippewas, Pottawattamies, Wyandots, Delawares, and Shawanees. The Little Turtle says, the prints of his forefathers’ houses are everywhere to be seen within these boundaries. Younger brother, it is true, these prints are to be observed; but, at the same time, we discover the marks of French possessions throughout this country, which were established long before we were born. These have since been in the occupaney of the British, who must, in their turn, relinquish them to the United States, when they, the French and Indians, will be all as one people. [A white string.]

“I will point out to you a few places where I discover strong traces of these establishments; and, first of all, I find at Detroit a very strong print, where the fire was first kindled

by your forefathers: next, at Vincennes, on the Wabash; again at Musquiton, on the same river; a little higher up that stream, they are to be seen at Ouiatenon. I discover another strong trace at Chicago; another on the St. Joseph's of lake Michigan. I have seen distinctly the prints of a French and a British post at the Miami villages, and of a British post at the foot of the rapids, now in their possession; prints, very conspicuous, are on the Great Miami, which were possessed by the French forty-five years ago; and another trace is very distinctly to be seen at Sandusky. It appears to me, that, if the Great Spirit, as you say, charged your forefathers to preserve their lands entire for their posterity, they have paid very little regard to the sacred injunction: for I see they have parted with those lands to your fathers, the French, and the English are now, or have been, in possession of them all; therefore, I think the charge urged against the Ottawas, Chippewas, and the other Indians, comes with a bad grace, indeed, from the very people who perhaps set them the example. The English and French both wore hats; and yet your forefathers sold them, at various times, portions of your lands. However, as I have already observed, you shall now receive from the United States further valuable compensation for the lands you have ceded to them by former treaties.

“Younger brothers: I will now inform you who it was who gave us these lands, in the first instance. It was your fathers, the British, who did not discover that care for your interest which you ought to have experienced. This is the treaty of peace, made between the United States of America and Great Britain, twelve years ago, at the end of a long and bloody war, when the French and Americans proved too powerful for the British. On these terms they obtained peace. [Here part of the treaty of 1783 was read.] Here you perceive that all the country south of the great lakes has been given up to America; but the United States never intended to take that advantage of you which the British placed in their hands; they wish you to enjoy your just rights, without interruption, and to promote your happiness. The British stipulated to surrender to us all the posts on their side of the boundary agreed on. I told you, some days ago, that treaties should ever be sacredly fulfilled

by those who make them; but the British, on their part, did not find it convenient to relinquish those posts as soon as they should have done; however, they now find it so, and a precise period is accordingly fixed for their delivery. I have now in my hand the copy of a treaty, made eight months since, between them and us, of which I will read you a little. [First and second articles of Mr. Jay's treaty read.] By this solemn agreement, they promise to retire from Michilimacinae, Fort St. Clair, Detroit, Niagara, and all other places on this side of the lakes, in ten moons from this period, and leave the same to full and quiet possession of the United States.

“Brothers: All nations present, now listen to me! Having now explained those matters to you, and informed you of all things I judged necessary for your information, we have nothing to do but to bury the hatchet, and draw a veil over past misfortunes. As you have buried our dead with the concern of brothers, so I now collect the bones of your slain warriors, put them into a deep pit, which I have dug, and cover them carefully over with this large belt, there to remain undisturbed. I also dry the tears from your eyes, and wipe the blood from your bodies with this soft, white linen. No bloody traces will ever lead to the graves of your departed heroes—with this I wipe all such entirely away. I deliver it to your uncle, the Wyandot, who will send it round among you. [A large belt with a white string attached.] I now take the hatchet out of your heads, and with a strong arm throw it into the center of the great ocean, where no mortal can ever find it; and I now deliver to you the wide and straight path to the fifteen fires, to be used by you and your posterity for ever. So long as you continue to follow this road, so long will you continue to be a happy people. You see it is straight and wide, and they will be blind indeed who deviate from it. I place it also in your uncle's hands, that he may preserve it for you. [A large road belt.] I will, the day after to-morrow, show you the cessions you have made to the United States, and point out to you the lines which may, for the future, divide your lands from theirs; and, as you will have to-morrow to rest, I will order you a double allowance of drink—because we have now buried the hatchet, and performed every neces-

sary ceremony to render propitious our renovated friendship."*

In council with the Indians, on Monday, the 27th of July, General Wayne read the several articles of the proposed treaty;† and, in explanation of the third article, spoke as follows: "Younger brothers: I wish you clearly to understand the object of these reservations: they are not intended to annoy, or impose the smallest degree of restraint on you, in the quiet enjoyment and full possession of your lands; but to connect the settlements of the people of the United States, by rendering a passage from one to the other more practicable and convenient, and to supply the necessary wants of those who shall reside at them. They are intended, at the same time, to prove convenient and advantageous to the different tribes of Indians residing and hunting in their vicinity, as trading-posts will be established at them, to the end that you may be furnished with goods in exchange for your skins and furs, at a reasonable rate. You will consider that the principal part of the now proposed reservations were made and ceded by the Indians, at an early period to the French: the French, by the treaty of peace of 1763, ceded them to the British; who, by the treaty of 1783, ceded all the posts and possessions they then held, or to which they had any claim, south of the great lakes, to the United States of America. The treaty of Muskingum embraced almost all these reservations, and has been recognized by the representatives of all the nations now present, during the course of last winter, as the basis upon which this treaty should be founded."

On the 28th of July, the Ottawas, Chippewas, and Pottawattamies said that they were united in opinion, and that they fully agreed to the articles of the treaty proposed by General Wayne. The Sun, a Pottawattamie chief, said to Wayne—"I shall now dispose of this belt. [A war belt.] I live too far from the lakes, and my arm is not long enough to throw it into the center of any of them; neither have I strength sufficient to tear up a big tree and bury it beneath its roots; but I will put it from me as effectually, by surrendering it into

* Minutes and proceedings of the Treaty of Greenville.

† See Appendix F.

your hands, as by doing with it any thing else. You may burn it if you please, or transform it into a necklace for some handsome squaw; and thus change its original design and appearance, and prevent, for ever, its future recognition. It has caused us much misery, and I am happy in parting with it."

On the 29th of July, Tarke, (or Crane,) chief of the Wyandots, presented to General Wayne a written address* from the Wyandots, Delawares, and Shawanees. The following is an extract from this address: "Brothers, of the fifteen united fires, listen! You have requested of us all, to give you an account of the nation, or nations, the true owner of the soil northwest of the Ohio, of the boundaries you have laid off two days ago. We will ask you a few questions. Did you not, in the last war between you and the British, divide the country? He gave one part to you, and the other part he reserved for himself. We are well acquainted that you are master of the lands, and you have now thought proper to return a large tract of the country to us again. Brothers: *We leave the disposal of the country wholly in your breast.* Make the boundaries that shall divide the lands between our nations, as we, the Wyandots, Delawares, and Shawanees, wish to know if we are entitled to any part of it. We wish to inform you of the impropriety of not fixing the bounds of every nation's rights: for, the manner it now lies in, would bring on disputes for ever between the different tribes of Indians; and we wish to be by ourselves, that we may be acquainted how far we might extend our claims, that no one may intrude on us nor we upon them."

After the letter from the Wyandots, Delawares, and Shawanees was read, Little Turtle, the principal Miami chief, arose and spoke as follows; "Elder brother, and all you present:† I am going to say a few words in the name of the Pottawatta-

* This address was signed by "J. WILLIAMS, agent and commissioner for the chiefs and warriors of Sandusky."

† The numbers of the different nations of Indians present at, and parties to, the treaty of Greenville, were as follows: Wyandots, 180—Delawares, 381—Shawanees, 143—Ottawas, 45—Chippewas, 46—Pottawattamies, 240—Miamis and Eel Rivers, 73—Weas and Piankeshaws, 12—Kickapoos and Kaskaskias, 10. Total 1,130.—[Minutes and proceedings of the Treaty of Greenville.]

mies, Weas, and Kickapoos. It is well known to you all, that people are appointed on those occasions, to speak the sentiments of others; therefore am I appointed for those three nations. Elder brother: You told your younger brothers, when we first assembled, that peace was your object; you swore your interpreters before us, to the faithful discharge of their duty, and told them the Great Spirit would punish them, did they not perform it. You told us that it was not you, but the President of the fifteen fires of the United States who spoke to us; that, whatever he should say should be firm and lasting; that it was impossible he should say what was not true. Rest assured that your younger brothers, the Miamis, Chippewas, Ottawas, Pottawattamies, Shawanees, Weas, Kickapoos, Piankeshaws, and Kaskaskias, are well pleased with your words, and are persuaded of their sincerity. You have told us to consider of the boundaries you showed us; your younger brothers have done so, and now proceed to give you their answer.

“Elder brother: Your younger brothers do not wish to hide their sentiments from you. I wish them to be the same with those of the Wyandots and Delawares. You have told us, that most of the reservations you proposed to us, belonged to our fathers, the French and the British. Permit your younger brothers to make a few observations on this subject. Elder brother: We wish you to listen with attention to our words. You have told your younger brothers, that the British imposed falsehoods on us, when they said the United States wished to take our lands from us, and that the United States had no such design: You pointed out to us the boundary line, which crossed a little below Loromie's store, and struck Fort Recovery, and run from thence to the Ohio, opposite the mouth of Kentucky river. Elder brother: You have told us to speak our minds freely, and we now do it. This line takes in the greater and best part of your brother's hunting ground; therefore, your younger brothers are of opinion, you take too much of their lands away, and confine the hunting of our young men within limits too contracted. Your brothers, the Miamis, the proprietors of those lands, and all your younger brothers present, wish you to run the line as you mentioned, to Fort Recovery, and to continue it along the road, from thence to Fort

Hamilton, on the Great Miami river. This is what your brothers request you to do, and you may rest assured of the free navigation of that river, from thence to its mouth, for ever. Brother: Here is the road we wish to be the boundary between us. What lies to the east we wish to be yours; that to the west, we would desire to be ours. [Presenting a road belt.]

“Elder brother: In speaking of the reservations, you say they are designed for the same purposes as those for which our fathers, the French and English, occupied them. Your younger brothers now wish to make some observations on them. Elder brother: Listen to me with attention. You told us you discovered on the Great Miami, traces of an old fort. It was not a French fort, brother; it was a fort built by me. You perceived another at Loromie’s: ’tis true a Frenchman once lived there for a year or two. The Miami villages were occupied as you remarked; but, it was unknown to your younger brothers, until you told them, that we had sold land there to the French or English. I was much surprised to hear you say that it was my forefathers had set the example to the other Indians, in selling their lands. I will inform you in what manner the French and English occupied those places. Elder brother: These people were seen by our forefathers first at Detroit: afterward we saw them at the Miami village—that glorious gate, which your younger brothers had the happiness to own, and through which all the good words of our chiefs had to pass, from the north to the south, and from the east to the west. Brothers, these people never told us they wished to purchase our lands from us.

“Elder brother: I now give you the true sentiments of your younger brothers, the Miamis, with respect to the reservation at the Miami villages. We thank you for kindly contracting the limits you at first proposed. We wish you to take this six miles square on the side of the river where your fort now stands, as your younger brothers wish to inhabit that beloved spot again. You shall cut hay for your cattle wherever you please, and you shall never require in vain the assistance of your younger brothers at that place. Elder brother: The next place you pointed to was the Little River, and said you wanted two miles square at that place. This is a request that our fathers, the French and British, never made us; it was always

ours. This carrying place has heretofore proved, in a great degree, the subsistence of your younger brothers. That place has brought to us, in the course of one day, the amount of one hundred dollars. Let us both own this place, and enjoy in common the advantages it affords. You told us, at Chicago, the French possessed a fort: we have never heard of it. We thank you for the trade you promised to open in our country; and permit us to remark, that we wish our former traders may be continued, and mixed with yours. Elder brother: On the subject of hostages, I have only to observe, that I trust all my brothers present are of my opinion with regard to peace and our future happiness. I expect to be with you every day when you settle on your reservations; and it will be impossible for me or my people to withhold from you a single prisoner; therefore, we don't know why any of us should remain here. These are the sentiments of your younger brothers present, on these particulars."

On the 30th of July, Little Turtle, at the request of the Kickapoos, Kaskaskias, and Weas, spoke, in council, of the willingness of those tribes to accede to the several articles of the proposed treaty. The Wea chief, Little Beaver, said to General Wayne: "You have asked for a reservation at the Ouiatenon; I hope you will put a trader there on the spot formerly occupied by one. We would wish Captain Prior to be our trader. I can't give you any lands there, brother. I will lend you some as long as you want it. Elder Brother: You have told us of a place, possessed by the French, called Musquiton. We have lived at our village a long time; it is surprising that we should never know anything about it. The French lived at Vincennes, where they were permitted to settle by my forefathers, who told them they should have a small quantity of land for the cattle, etc., on the east, but none on the west side of the Wabash."

Masass, a Chippewa chief, in the course of a short speech, said: "Elder brother: I have listened to all your words, and to those of my brothers. It would be very wrong in me to raise objections to what has been done, as you have explained to us your treaty with Great Britain. You say at the fort of Detroit you intend to take a piece of land six miles deep from the river Rosine to Lake St. Clair. I now ask you,

what is to become of our brothers, the French, who live on this land? We look on them as our brothers and friends, who treated us well when abused by the British. We wish to know your sentiments on the subject."

When Masass concluded his speech, General Wayne rose, and spoke as follows:

"Younger brothers: All of you, listen with attention! I shall now reply to what was said yesterday by the Wyandots. I will then answer the observations of the Little Turtle, made in behalf of the Miamis and Wabash tribes. Younger brothers, the Wyandots, Delawares, and Shawanees: I am pleased to hear you say, with one voice, for the second time, that I have done the greatest justice to you in dividing the lands of the United States from those of the Indian nations, by the boundary line which I have proposed. You request me to fix the boundaries that shall divide the lands between the respective tribes of Indians now present. Younger brothers: A moment's reflection will show you the impropriety, as well as impossibility, of my acting in this business. You, Indians, best know your respective boundaries. I particularly recommend to all you nations present, to continue friendly and just to each other. Let no nation, or nations, invade, molest, or disturb any other nation, or nations, in the hunting-grounds they have heretofore been accustomed to live and hunt upon, within the boundary which shall now be agreed on; and, above all, I enjoin that no injury be offered to any nation, or nations, in consequence of the part any, or either of them, may have pursued, to establish a permanent and happy peace with the United States of America. Younger brothers, the Wyandots, and other Indians of Sandusky, make your hearts and minds easy. Be assured, that as soon as circumstances will permit, a fort shall be established on the reserved lands, near the entrance of Sandusky lake, which will always afford you protection against the common enemy, should any such presume to disturb our peace and mutual friendship.

"Younger brothers, the Miamis: I have listened to you with attention; and have heard your observations upon the general boundary line proposed by me, as well as upon the proposed reservations. If my ears did not deceive me, I have heard all the other nations give their assent to the general

boundary line, and to the reservations generally. I, therefore, address you, the Miamis. You say that the general boundary line, as proposed by me, will take away some of your best hunting-grounds; and propose to alter it, and run it from Fort Recovery, through the center of this place, and along the road to the Miami river, opposite Fort Hamilton. Younger brothers: This would be a very crooked, as well as a very difficult, line to follow; because there are several roads between this and Fort Hamilton, some of them several miles apart, which might certainly be productive of unpleasant mistakes and differences. That which I propose will be free from all difficulty and uncertainty. You all know Fort Recovery, as well as the mouth of Kentucky river. A straight line, drawn from one to the other, will never vary; they are two points which will ever be remembered, not only by all present, but by our children's children, to the end of time. Nor will this line prevent your hunters or young men, in the smallest degree, from pursuing all the advantages which the chase affords; because, by the seventh article, the United States of America grant liberty to all the Indian tribes to hunt within the territory ceded to the United States, without hindrance or molestation, so long as they demean themselves peaceably, and offer no injury to the people of the United States.

"I find there is some objection to the reservation at Fort Wayne. The Little Turtle observes, he never heard of any cessions made at that place to the French. I have traced the lines of two forts at that point; one stood near the junction of the St. Joseph's with the St. Mary's, and the other not far removed on the St. Mary's. And it is ever an established rule, among Europeans, to reserve as much ground around their forts as their cannon can command. This is a rule as well known as any other fact. Objection has also been made respecting the portage between Fort Wayne and the Little river; and the reasons produced are, that that road has been to the Miamis a source of wealth—that it has, heretofore, produced them one hundred dollars per day. It may be so; but let us inquire who, in fact, paid this heavy contribution. It is true the traders bore it in the first instance; but they laid it on their goods; and the Indians of the Wabash really and finally paid it: therefore, it is the Little Beaver, the

Soldier, the Sun, and their tribes, who have actually been so highly taxed. The United States will always be their carriers to and from their different posts. Why should the United States pay the large sum of eight thousand dollars annually, if they were not to enjoy the privilege of open roads to and from their reservations? And this sum of money the United States agree to pay for this and other considerations. And the share which the Miamis will receive of this annuity, shall be one thousand dollars. I will then inquire, of all the nations present, whether the United States are not acting the part of a tender father to them and their children, in thus providing for them, not only at present, but for ever? The Miamis shall be at liberty, as usual, to employ themselves for private traders whenever their assistance may be required; and those people who have lived at that glorious gate, the Miami villages, may now rekindle their fires at that favorite spot; and henceforth, as in their happiest days, be at full liberty to receive from, and send to, all quarters, the speeches of their chiefs as usual; and here is the road the Miamis will remember. [A road belt.]

“Now, all ye chiefs and warriors, of every nation present, open your ears that you may clearly hear the articles of the treaty, now in my hand, again read, and, a second time, explained to you, that we may proceed to have them engrossed on parchment, which may preserve them for ever.”

The articles of the treaty were read a second time, and explained by General Wayne, who said—

On the article respecting hostages: “I did not expect any objections to this particular; for I see no reason why you should hesitate at leaving ten of your people with me, until the return of our people from among you; the promise of a mutual exchange of prisoners, made last winter, when we met at this place, you have not performed on your part. I have kept none of your flesh and blood; nor would General Washington, the great chief of the United States, suffer me so to do: the period will be short, and those who remain shall be kindly treated.”

On the Ouiatenon reservation: “The Little Beaver has asked for Captain Prior to reside, as a trader, at Ouiatenon: he shall

reside at that place; but Captain Prior is a warrior, not a trader. He shall have a few warriors with him, to protect the trade and the Indians in that quarter."

On the reservation at Detroit: "Masass has asked, what will become of the French? The United States consider the French and themselves as one people; and it is partly for them and their accommodation, this reservation is made, whenever they become citizens thereof, as well as for the people of the fifteen fires."

On the gift of the Isle de Blois Blanc: "In addition to the cessions which the three fires have made with such cheerfulness, of the reservations in their country, Mash-i-pi-nash-i-wish has, in their name, made a voluntary gift to the United States, of the Isle de Blois Blanc, in lake Michigan. The fifteen fires accept of this unasked-for grant from the Ottawas, Chippewas, and Pottawattamies, according to their intentions; and will always view it as an unequivocal mark of their sincere friendship."

On trade: "The Little Turtle, yesterday, expressed a wish, that some of their former traders might be continued among them, as a part of the number to be licensed by the United States. This is very fair and reasonable, and a certain number will be licensed accordingly, when properly recommended as good and honest men."

General Wayne then said:—"Brothers: All you nations now present, listen! You now have had, a second time, the proposed articles of treaty read and explained to you. It is now time for the negotiation to draw to a conclusion. I shall, therefore, ask each nation individually, if they approve of, and are prepared to sign, those articles, in their present form, that they may be immediately engrossed for that purpose. I shall begin with the Chippewas, who, with the others who approbate the measure, will signify their assent. You, Chippewas, do you approve of these articles of treaty, and are you prepared to sign them? [A unanimous answer—yes.] You, Ottawas, do you agree? [A unanimous answer—yes.] You, Pottawattamies? [A unanimous answer—yes.] You, Wyandots, do you agree? [A unanimous answer—yes.] You, Delawares? [A unanimous answer—yes.] You, Shawanees? [A unanimous

answer—yes.] You, Miamis, do you agree? [A unanimous answer—yes.] You, Weas? [A unanimous answer—yes.] And you, Kickapoos, do you agree? [A unanimous answer—yes.] The treaty shall be engrossed; and, as it will require two or three days to do it properly, on parchment, we will now part, to meet on the 2d of August: in the interim, we will eat, drink, and rejoice, and thank the Great Spirit for the happy stage this good work has arrived at.”

On the 3d of August, 1795, the treaty was signed by the sachems, chiefs, and principal men, of the Indian nations who inhabited the territory of the United States northwest of the river Ohio; and to each nation, respectively, a copy of the treaty, on paper, was delivered. A large quantity of goods, and many small ornaments, were then distributed among the Indians. On the 10th of August, in council, General Wayne, at the close of a short speech, said—“I now fervently pray to the Great Spirit, that the peace now established may be permanent, and that it may hold us together in the bonds of friendship, until time shall be no more. I also pray that the Great Spirit above may enlighten your minds, and open your eyes to your true happiness, that your children may learn to cultivate the earth, and enjoy the fruits of peace and industry. As it is probable, my children, that we shall not soon meet again in public council, I take this opportunity of bidding you all an affectionate farewell, and of wishing you a safe and happy return to your respective homes and families.”

Thus the treaty of Greenville was concluded in a manner which was satisfactory to the government of the United States and acceptable to the Indian tribes who inhabited the territory of the United States northwest of the river Ohio. Information of the treaty, and of the pacific disposition of the Indians, was soon spread among the people of the eastern States of the American confederacy; and a full and constant tide of emigration began to flow from those States into the northwestern territory. Of the emigrants, some settled in the western reserve of Connecticut; some selected favorite sites on the banks of the Ohio; the rich valleys of the rivers Scioto and Muskingum were settled by others; and many, attracted by the fame of the fertile region which lies between the two Miami

rivers, settled at various eligible places within the boundaries of Symmes' purchase.

On the 29th day of May, 1795, Governor St. Clair and two judges of the northwestern territory, (John Cleves Symmes, and George Turner,) met at Cincinnati, in their legislative capacity. In the course of their session, which ended on the 25th of August, 1795, they adopted and made thirty-eight laws, under the following titles, to wit:

I.—A law subjecting real estate to execution for debt.—[Adopted from the Pennsylvania code.]

II.—A law allowing domestic attachments.—[Adopted from the Pennsylvania code.]

III.—A law regulating domestic attachments.—[Adopted from the Pennsylvania code.]

IV.—A law for the easy and speedy recovery of small debts.—[Adopted from the Pennsylvania code.]

V.—A law concerning defalcation.—[Adopted from the Pennsylvania code.]

VI.—A law for the trial and punishment of larceny, under a dollar and a half.—[Adopted from the Pennsylvania code.] The first section of this law contains the following declaration: "If any person shall be convicted, either by his or her own confession or the testimony of credible evidence, before any two justices of the peace, in their respective counties, of having feloniously stolen any money, goods, or chattels, (the same being under the value of five shillings, now equal to one hundred and fifty cents,) the offender shall have judgment, to be immediately and publicly whipped, upon his or her bare back, not exceeding fifteen lashes; or be fined in any sum, at the discretion of the said justices, not exceeding three dollars; and, if able, to make restitution, besides, to the party wronged; paying also the charges of prosecution and whipping: or, otherwise, shall be sent to the workhouse, to be kept at hard labor; and, for want of such workhouse, to be committed to prison, for such charges, for a term not exceeding twelve days."

VII.—A law to prevent unnecessary delays in causes, after issued joined.—[Adopted from the Pennsylvania code.]

VIII.—A law establishing courts of judicature.—[Adopted from the Pennsylvania code.]

IX.—A law for the limitation of actions.—[Adopted from the Pennsylvania code.]

X.—A law for the relief of persons conscientiously scrupulous to take an oath in the common form.—[Adopted from the Pennsylvania code.]

XI.—A law for the recovery of fines and forfeitures, and directing how the same are to be estreated.—[Adopted from the Pennsylvania code.]

XII.—A law ascertaining and regulating the fees of the several officers and persons therein named.—[Adopted from the New York and Pennsylvania codes.]

XIII.—A law for establishing orphans' courts.—[Adopted from the Pennsylvania code.]

XIV.—A law for the settlement of intestates' estates.—[Adopted from the Pennsylvania code.]

XV.—A law to license and regulate taverns.—[Adopted from the Pennsylvania code.]

XVI.—A law establishing the recorder's office.—[Adopted from the Pennsylvania code.]

XVII.—A law for raising county rates and levies.—[Founded on and adopted from the Pennsylvania code.]

XVIII.—A law for the relief of the poor.—[Adopted from the Pennsylvania code.]

XIX.—A law concerning the probate of wills, written or nuncupative.—[Adopted from the Pennsylvania code.]

XX.—A law regulating inclosures.—[Adopted from the Pennsylvania code.]

XXI.—A law as to the order of paying debts of persons deceased.—[Adopted from the Pennsylvania code.]

XXII.—A law concerning trespassing animals.—[Adopted from the Pennsylvania code.]

XXIII.—A law directing how husband and wife may convey their estates.—[Adopted from the Pennsylvania code.]

XXIV.—A law for the speedy assignment of dower.—[Adopted from the Massachusetts code.]

XXV.—A law giving remedies in equity, in certain cases.—[Adopted from the Massachusetts code.]

XXVI.—A law against forcible entry and detainer.—[Adopted from the Massachusetts code.]

XXVII.—A law annulling the distinction between petit treason and murder.—[Adopted from the Massachusetts code.]

XXVIII.—A law declaring what laws shall be in force.—[Adopted from the Virginia code.] This law was comprised in the following words: "The common law of England, all statutes or acts of the British parliament made in aid of the common law, prior to the fourth year of the reign of king James the first, (and which are of a general nature, not local to that kingdom,) and also the several laws in force in this territory, shall be the rule of decision, and shall be considered as of full force, until repealed by legislative authority, or disapproved of by Congress."

XXIX.—A law to prevent trespassing by cutting of timber.—[Adopted from the Pennsylvania code.]

XXX.—A law repealing certain laws and acts, and parts of laws and acts.

XXXI.—A law respecting divorces.—[Adopted from the Massachusetts code.]

XXXII.—A law for the partition of lands.—[Adopted from the New York code.]

XXXIII.—A law allowing foreign attachments.—[Adopted from the New Jersey code.]

XXXIV.—A law concerning the duty and power of coroners.—[Adopted from the Massachusetts code.]

XXXV.—A law for continuing suits in the general and circuit courts.—[Adopted from the Virginia code.]

XXXVI.—A law to suppress gaming.—[Adopted from the Virginia code.]

XXXVII.—A law as to proceedings in ejectment, distress for rent, and tenants at will holding over.—[Adopted from the Pennsylvania code.]

XXXVIII.—A law limiting imprisonment for debt, and subjecting certain debtors and delinquents to servitude.—[Adopted from the Pennsylvania code.] This law contained the following provisions: "No person shall be kept in prison, for debt or fines, longer than the second day of the sessions next after his or her commitment; unless the plaintiff shall make it appear that the person imprisoned hath some estate

that he will not disclose: then, and in every such case, the court shall examine all persons suspected to be privy to the concealment of such estate; and if no sufficient estate be found, the debtor shall make satisfaction, by personal and reasonable servitude, according to the judgment of the court where such action is tried, (but only if the plaintiff require it,) not exceeding seven years, where such debtor is unmarried, and under the age of forty years; unless it be the request of the debtor, who may be above that age: but if the debtor be married, and under the age of thirty-six, the servitude shall be for five years only; and with which the married man, upward of thirty-six, shall be privileged, if it be his request. Should the plaintiff refuse to accept such satisfaction according to the judgment of the court, as aforesaid, then the prisoner shall be discharged in open court, and the plaintiff be for ever barred from any further or other action for the same debt."

CHAPTER XXIX.

SPANISH INTRIGUES IN THE WEST.

AT San Lorenzo el Real, on the 27th of October, 1795, Thos. Pinckney, envoy extraordinary from the United States to the court of Spain, and the duke of Alcudia, prince of peace, etc., concluded a treaty of friendship, limits, and navigation, between the United States of America and the king of Spain. The second and the fourth articles of this treaty here follow:

"Article 2. To prevent all disputes on the subject of the boundaries which separate the territories of the two high contracting parties, it is hereby declared and agreed as follows, to wit: The southern boundary of the United States, which divides their territories from the Spanish colonies of east and west Florida, shall be designated by a line beginning on the river Mississippi, at the northernmost part of the

thirty-first degree of latitude north of the equator, which from thence shall be drawn due east to the middle of the river Apalachicola or Catahouche; thence, along the middle thereof, to its junction with the Flint; thence straight to the head of St. Mary's river; and thence, down the middle thereof, to the Atlantic ocean. And it is agreed that if there should be any troops, garrisons, or settlements of either party, in the territory of the other, according to the above-mentioned boundaries, they shall be withdrawn from the said territory within the term of six months after the ratification of this treaty, or sooner if it be possible; and that they shall be permitted to take with them all the goods and effects which they possess."

"Article 4. It is likewise agreed that the western boundary of the United States, which separates them from the Spanish colony of Louisiana, is in the middle of the channel or bed of the river Mississippi, from the northern boundary of the said States to the completion of the thirty-first degree of latitude north of the equator. And his Catholic majesty has likewise agreed that the navigation of the said river, in its whole breadth, from its source to the ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other powers by special convention."

This treaty between the United States of America and the kingdom of Spain, was ratified on the 3d of March, 1796; and on the 24th of May, in the same year, Andrew Ellicott was appointed commissioner, and Thomas Freeman surveyor, on the part of the United States, for the purpose of running the boundary line mentioned in the second article of the treaty.

Before the close of the month of July, 1796, the British garrisons, with their arms, artillery, and stores, were withdrawn from the posts within the boundaries of the United States northwest of the river Ohio. A detachment of American troops, consisting of sixty-five men, under the command of Captain Moses Porter, took possession of the evacuated fort at Detroit, on or about the 12th of July, 1796. In September, 1796, Winthrop Sargent, secretary of the northwestern territory, proceeded to Detroit, erected the county of Wayne, and established the civil authority of the United States in that quarter.

The ratification of the treaty of amity, commerce, and navigation, between the United States and Great Britain, was regarded by the government of France as an alteration and suspension of the treaty which was made between France and the United States, in 1778; and, in July, 1796, the French Executive Directory charged the government of the United States with a breach of friendship, an abandonment of neutrality, and a violation of tacit engagements.* A treaty of alliance, offensive and defensive, was concluded between France and Spain, on the 19th of August, 1796; and, on the 11th of December, 1796, James Monroe, American minister at Paris, was informed by Ch. de la Croix, French minister of foreign affairs, that the executive directory of France "would no longer recognise nor receive a minister plenipotentiary from the United States, until after a reparation of the grievances demanded of the American government."†

In the course of the years of 1795, 1796, and 1797, before the Spanish posts on the eastern side of the Mississippi were given up to the United States, some efforts were made by the agents of France and Spain, to induce the people of the western country to separate themselves from the American union, and to establish, in conjunction with Spain and France, an independent government on the western side of the Allegheny mountains. After the death of Wayne,‡ General James Wilkinson was invested with the command of the United States troops in the west; and, in the month of June, 1797, the Baron de Carondelet, governor-general of Louisiana, sent one of his agents, Thomas Power, to General Wilkinson, with a letter in which Wilkinson was requested to delay the march of the American troops for the posts on the Mississippi, until the adjustment of certain questions which were then pending between the United States and the government of Spain. The real object of the mission of Thomas Power was to ascertain the opinions and sentiments of the western people on the subject of a separation of the Union. The following passages are

* American State Papers—Foreign Relations, i, 730.

† American State Papers—Foreign Relations, i, 746.

‡ Wayne died at Presque Isle, on the 15th of December, 1796. He was buried on the southern shore of lake Erie. In 1809 his remains were removed to his native county, by his son, Isaac Wayne.

extracted from the secret instructions which were given to Power by the Baron de Carondelet, on the 26th of May, 1797:

“On your journey, you will give to understand adroitly, to those persons to whom you have an opportunity of speaking, that the delivery of the posts which the Spaniards occupy on the Mississippi, to the troops of the United States, is directly opposed to the interest of those of the west, who, as they must one day separate from the Atlantic States, would find themselves without any communication with lower Louisiana, whence they ought to expect to receive powerful succors in artillery, arms, ammunition, and money, either publicly or secretly, as soon as ever the western States should determine on a separation, which must insure their prosperity and their independence; that, for this reason, Congress is resolved on risking every thing to take those posts from Spain; and that it would be forging fetters for themselves, to furnish it with militia and means, which it can only find in the western States. These same reasons, diffused abroad by means of the public papers, might make the strongest impressions on the people, and induce them to throw off the yoke of the Atlantic States. * * * If a hundred thousand dollars distributed in Kentucky would cause it to rise in insurrection, I am very certain, that the minister, in the present circumstances, would sacrifice them with pleasure; and you may, without exposing yourself too much, promise them to those who enjoy the confidence of the people, with another equal sum to arm them, in case of necessity, and twenty pieces of field artillery.

“You will arrive without danger, as bearer of a despatch for the general, where the army may be, whose force, discipline, and disposition, you will examine with care; and you will endeavor to discover, with your natural penetration, the general's disposition. I doubt that a person of his disposition would prefer, through vanity, the advantages of commanding the army of the Atlantic States, to that of being the founder, the liberator, in fine, the Washington of the western States: his part is as brilliant as it is easy; all eyes are drawn toward him; he possesses the confidence of his fellow citizens, and of the Kentucky volunteers: at the slightest movement, the people will name him the general of the new republic; his reputa-

tion will raise an army for him, and Spain as well as France will furnish him the means of paying it. On taking Fort Massac, we will send him instantly arms and artillery; and Spain, limiting herself to the possession of the forts of Natchez and Walnut Hills, as far as Fort Confederation, will cede to the western States all the eastern bank to the Ohio, which will form a very extensive and powerful republic, connected by its situation and by its interest, with Spain, and in concert with it, will force the savages to become a party to it, and to confound themselves in time with its citizens.

The public are discontented with the new taxes; Spain and France are enraged at the connection of the United States with England; the army is weak and devoted to Wilkinson; the threats of Congress authorize me to succor, on the spot and openly, the western States: money will not then be wanting to me, for I shall send without delay, a ship to Vera Cruz in search of it, as well as of ammunition: nothing more will consequently be required, but an instant of firmness and resolution to make the people of the west perfectly happy. If they suffer this instant to escape them, and we are forced to deliver up the posts, Kentucky and Tennessee, surrounded by the said posts, and without communication with Lower Louisiana, will ever remain under the oppression of the Atlantic States.”*

The emissary, Power, passed through Tennessee, Kentucky, and the northwestern territory, as far as Detroit, where, late in the month of August, he found General Wilkinson. A letter dated “Detroit, September 4, 1797,” from Wilkinson to Captain Robert Buntin, of Vincennes, contains the following passages: “I fear the Spaniards will oblige us to go to blows with them—in which case you know they must go to the wall. I shall pursue every means in my power to preserve to our country the blessings of peace; but shall make every preparation for war, and will be guarded against surprise. Mr. Power delivered me a letter from the Baron Carondelet, in which he states a variety of frivolous reasons for not delivering the posts, and begs that no more troops may be sent down the Mississippi, before certain adjustments take place between our res-

* American State Papers—Miscellaneous, ii, 103.

pective courts. I have put aside all his exceptions, and have called on him in the most solemn manner to fulfill the treaty, as he regards the interest or honor of his master; and have hopes that my letter may produce some change in the conduct of the Dons. * * Although Mr. Power has brought me this letter, it is possible it might be a mask to other purposes: I have, therefore, for his accommodation and safety put him in care of Captain Shaumburgh, who will see him safe to New Madrid, by the most direct route. I pray you to continue your vigilance, and give me all the information in your power. I am just from Michilimacinae, having visited that post to see it put into a state of defense."

On the 5th of December, 1797, Power wrote to Don Manuel Gayoso, Spanish governor at Natchez, a letter from which the following is an extract: "Having informed him [General Wilkinson] of the proposals of the baron [de Carondelet], he proceeded to tell me that it was a chimerical project, which it was impossible to execute; that the inhabitants of the western States, having obtained by treaty all they desired, would not wish to form any other political or commercial alliances; and that they had no motive for separating themselves from the interests of the other States of the Union, even if France and Spain should make them the most advantageous offers; that the fermentation which existed four years back is now appeased; that the depredations and vexations which American commerce suffered from the French privateers, had inspired them with an implacable hatred for their nation; that some of the Kentuckians had proposed to him to raise three thousand men to invade Louisiana, in case a war should be declared between the United States and Spain; that the latter had no other course to pursue, under the present circumstances, but to comply fully with the treaty." In this same letter, Power said: "A great portion of the principal characters in Kentucky, Cumberland, [Tennessee,] and the northwest territory, have been instigators of the expedition of Genet and Clark against this province; consequently, they are enemies of those who are [enemies] of the French: more than one-half of the rest are those who take the greatest interest in a more intimate union of the western States with us; and many of those who remain,

(as they are not desirous of gaining conquests over Spain, but only to preserve the limits and privileges marked in the treaty,) will do what they can in order to avoid hostilities.”*

In a letter, written at Cincinnati, under the date of “June 3d, 1797,” and addressed to Timothy Pickering, American secretary of state, Winthrop Sargent, secretary of the north-western territory, said: “I seize the occasion to transcribe for you some paragraphs from a western letter. The Spaniards are reinforcing their upper posts on the Mississippi. General Howard, an Irishman, in quality of commander-in-chief, with upward of three hundred men, is arrived at St. Louis, and employed in erecting very formidable works. It likewise appears, through various channels, that they are inviting a great number of the Indians of the territory to cross the Mississippi; and, for this express purpose, Mr. Lorrómie, an officer in the pay of the crown, made a tour through all this country last fall; since which time several Indians have been sent on the same errand, and generally furnished with plenty of cash to defray their expenses. A large party of Delawares passed down on White river, about the 6th of May, on their way to the Spanish side, bearing the national flag of Spain, some of them from St. Louis. They [the Spaniards] have above the mouth of the Ohio, on the Mississippi, several row-galleys with cannon.”

The refusal of the French republic to receive a minister from the United States—the angry decrees of the executive directory of France—the depredations which were committed by vessels of that nation on American commerce, and the attempts which were made by Spain and its emissaries to sever the Union†—finally induced the American government, in 1798, to adopt and enforce various measures of defense and retaliation. Among these measures the most important were—

* American State Papers—Miscellaneous, ii, 108.

† Vide History of Kentucky, by H. Marshall, i, 258, 283, 316; ii, 219, 250.—History of Louisiana, by Barbe Marbois, 152, 162.—Writings of Washington, (edited by Jared Sparks,) x, 355, 356, 360, 387; xii, 96.—Life of Washington, by John Marshall, ii, 250, 257, 261, 270, 332, 334, 393, 410; Wilkinson's Memoirs.—American State Papers—Miscellaneous, i, from p. 704 to p. 713, and from p. 922 to p. 939; ii, from p. 79 to p. 127.—American State Papers—Foreign Relations, vol. i; vol. ii, from p. 14 to p. 103.

First.—An act authorizing the President of the United States to raise a provisional army.—Approved by the President, John Adams,* on the 28th of July, 1798.

Second.—An act of Congress to suspend the commercial intercourse between the United States and France and the dependencies thereof.—Approved on the 13th of June, 1798.

Third.—An act to authorize the defense of the merchant-vessels of the United States against French depredations.—Approved on the 25th of June, 1798.

Fourth.—An act concerning alien enemies.—Approved on the 25th of June, 1798. [The first section of this law was comprised in the words following: *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be lawful for the President of the United States, at any time during the continuance of this act,† to order all such aliens as he shall judge dangerous to the peace and safety of the United States, or shall have reasonable grounds to suspect are concerned in any treasonable or secret machinations against the government thereof, to depart out of the territory of the United States, within such time as shall be expressed in such order; which order shall be served on such alien by delivering him a copy thereof, or leaving the same at his usual abode, and returned to the office of the secretary of state by the marshal or other person to whom the same shall be directed. And, in case any alien so ordered to depart, shall be found at large within the United States after the time limited in such order for his departure, and not having obtained a license from the President to reside therein, or, having obtained such license, shall not have conformed thereto, every such alien shall, on conviction thereof, be imprisoned for a term not exceeding three years, and shall never after be admitted to become a citizen of the United States. *Provided, always, and be it further enacted*, That if any alien so ordered to depart, shall prove, to the satisfaction of the President, by evidence to be taken before such person or persons as the President shall direct, who are for that purpose hereby

* John Adams, second President of the United States, was inaugurated on the 4th of March, 1797.

† The act was limited to the time of two years from and after its passage.

authorized to administer oaths, that no injury or danger to the United States will arise from suffering such alien to reside therein, the President may grant a license to such alien to remain within the United States for such time as he shall judge proper, and at such place as he shall designate. And the President may also require of such alien to enter into a bond to the United States, in such penal sum as he may direct, with one or more sufficient sureties, to the satisfaction of the person authorized by the President to take the same, conditioned for the good behavior of such alien during his residence in the United States, and not violating his license, which license the President may revoke whenever he shall think proper."]*

Fifth.—An act in addition to the act entitled "An act for the punishment of certain crimes against the United States."—Approved on the 14th of July, 1798. Here follows the second section of this act: "*And be it further enacted*, That if any person shall write, print, utter, or publish; or shall cause or procure to be written, printed, uttered or published, or shall, knowingly and willingly, assist in writing, printing, uttering or publishing any false, scandalous, and malicious writing or writings, against the government of the United States, or either house of the Congress of the United States, or the President of the United States, with intent to defame the said government, or either house of the said Congress, or the President, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States; or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States, done in pursuance of any such law, or of the powers in him vested by the constitution of the United States; or to resist, oppose, or defeat, any such law or act; or to aid, encourage, or abet, any hostile design of any foreign nation against the United States, their people or government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years."†

* Laws of the United States, iii, 66.

† Ibid., iii, 98.

On the 2d of July, 1798, President Adams sent to the senate of the United States a communication, in which he nominated the venerable ex-President, George Washington, to the office of "lieutenant-general and commander-in-chief of the armies raised, or to be raised, for the service of the United States." The senate confirmed this nomination on the 3d of July. On the 13th of the same month, Washington accepted the new commission, and addressed to Mr. Adams a letter, from which the following is an extract: "I can not express how greatly affected I am at this new proof of public confidence, and the highly flattering manner in which you have been pleased to make the communication. At the same time I must not conceal from you my earnest wish, that the choice had fallen upon a man less declined in years, and better qualified to encounter the usual vicissitudes of war. You know, sir, what calculations I had made relative to the probable course of events on my retiring from office, and the determination I had consoled myself with, of closing the remainder of my days in my present peaceful abode. You will, therefore, be at no loss to conceive and appreciate the sensations I must have experienced to bring my mind to any conclusion that would pledge me, at so late a period of life, to leave scenes I sincerely love, to enter upon the boundless field of public action, incessant trouble, and high responsibility.

"It was not possible for me to remain ignorant of, or indifferent to, recent transactions. The conduct of the directory of France toward our country; their insidious hostility to its government; their various practices to withdraw the affections of the people from it; the evident tendency of their acts and those of their agents to countenance and invigorate opposition; their disregard of solemn treaties and the laws of nations; their war upon our defenseless commerce; their treatment of our ministers of peace, and their demands, amounting to tribute—could not fail to excite in me corresponding sentiments with those my countrymen have so generally expressed in their affectionate addresses to you. Believe me, sir, no one can more cordially approve of the wise and prudent measures of your administration. They ought to inspire universal confidence; and will, no doubt, combined with the state of things, call from Congress such laws and means as will enable you to

meet the full force and extent of the crisis. Satisfied, therefore, that you have sincerely wished and endeavored to avert war, and exhausted, to the last drop, the cup of reconciliation, we can, with pure hearts, appeal to heaven for the justice of our cause; and may confidently trust the final result to that Providence who has heretofore, and so often, signally favored the people of these United States.”*

In the beginning of the year 1798, the government of Spain seemed to expect that Great Britain would send an expedition from Canada, through the northwestern territory, against the province of Louisiana. To quiet the anxiety of Spain, on this subject, and to protect the territory of the United States, President Adams, on the 4th of February, 1798, instructed General Wilkinson to employ all the force within his power—both militia and regulars, if necessary—to oppose the English or any other foreign nation, “who should presume to attempt a violation of the territory of the United States, by an expedition through it, against their enemies.” During the summer of 1798, the Spaniards retired reluctantly from the posts within the territory of the United States. On the 5th of October, 1798, General Wilkinson established his headquarters at Loftus’ Heights, where Fort Adams was soon afterward erected. This fort stood on the left bank of the river Mississippi, about six miles north of the thirty-first degree of north latitude.†

In the month of September, 1798, the French minister of foreign affairs, Charles Maurice Talleyrand, intimated, indirectly, to Mr. Murray, American minister in Holland, that the republic of France was disposed to preserve peace with the United States, and desired to renew negotiations to effect that object. Negotiations were soon afterward commenced at Paris, and carried on until the 30th of September, 1800; on which day a treaty of peace and commerce was concluded between the United States and the republic of France.‡ By a treaty concluded at St. Ildefonso, on the 1st of October,

* Journal of the Executive Proceedings of the Senate of the United States of America, i, 291.

† Wilkinson's Memoirs, i, 434.

‡ Vide American State Papers—Foreign Relations, ii, 295, 344, 345.

1800, Spain agreed to retrocede to France the province of Louisiana, with the same extent that it had when France possessed it; and, on the 30th of April, 1803, France sold and ceded Louisiana (in its greatest extent) to the United States, for a sum about equal to fifteen millions of dollars.*

At a legislative session which was commenced at Cincinnati on the 23d of April, 1798, and closed on the 7th of May, in the same year—Winthrop Sargent acting as governor of the northwestern territory, and John Cleves Symmes, Joseph Gilman, and Return Jonathan Meigs, jr., judges of the territory, adopted and published eleven laws, under the following titles:

I.—A law to confer on certain associations of the citizens of this territory the powers and immunities of corporations or bodies politic in law.—Adopted from the Pennsylvania code, and published on the 1st day of May.

II.—A law for the punishment of maiming or disfiguring.—Adopted from the Kentucky code, and published on the 1st day of May. [This law was comprised in the following words: "Whosoever on purpose and of malice aforethought, by laying in wait, shall unlawfully cut out or disable the tongue, put out an eye, slit or bite the nose, ear, or lip, or cut off or disable any limb or member, with the intention, in so doing, to maim or disfigure such person, or shall voluntarily, maliciously, and of purpose, pull or put out an eye while fighting or otherwise, every such offender, his or her aiders, abettors, and counsellors shall be sentenced to undergo a confinement in the jail of the county in which the offense is committed, for any time not less than one month, nor more than six months, and shall also pay a fine not less than fifty dollars, and not exceeding one thousand dollars—one-fourth of which shall be to the use of the territory, and three-fourths thereof to the use of the party grieved; and for want of the means of payment, the offender shall be sold to service by the court before which he is convicted, for any time not exceeding five years, the purchaser finding him food and raiment during the term."]

III.—A law vesting certain powers in justices of the peace

* Vide American State Papers—Foreign Relations, ii, 507–695.

in criminal cases.—Adopted from the Massachusetts code, and published on the 1st day of May.

IV.—A law for the equal division and distribution of insolvent estates.—Adopted from the Connecticut code, and published on the 1st day of May.

V.—A law to provide for the improvement of the breed of horses.—Adopted from the Kentucky code, and published on the 1st day of May.

VI.—A law directing the mode of proceeding in civil cases.—Adopted from the Massachusetts code, and published on the 1st day of May.

VII.—A law in addition to a law, entitled, “a law ascertaining the fees of the several officers and persons therein named.”—Published on the 1st day of May.

VIII.—A law for the purpose of including all unsettled and unimproved tracts or parcels of land, and subjecting them to taxation.—Adopted from an act of the state of Kentucky, and published on the 1st day of May.

IX.—A law rendering the acknowledgment of deeds more easy.—Adopted from the Connecticut code, and published on the 1st day of May. [This law contained the following provision: “All grants and deeds made of houses and lands may be acknowledged before one of the judges of the territory, justice of the common pleas; or justice of the peace, any former law to the contrary notwithstanding.

X.—A law for establishing a land office.—Adopted from the Kentucky code, and published on the 1st of May.

XI.—An act repealing certain laws and parts of laws.—Published on the 1st day of May. [Parts of two laws, (one concerning the fees of officers, etc., and the other relating to county levies,) were repealed by this act.]

By an act of Congress, approved on the 7th of April, 1798,* the territory of Mississippi was established; and, on the 2d of May, Winthrop Sargent was nominated to the office of governor of that territory. His nomination was confirmed by the Senate of the United States, on the 7th of May. On the 26th of June, in the same year, William Henry Harrison was nominated to the office of secretary of the territory of the United

* Laws of the United States, iii, 39.

States northwest of the river Ohio, and the nomination was confirmed by the Senate on the 28th of the same month.

On the 29th day of October, 1798, Governor St. Clair issued a proclamation in which he directed the qualified voters of the northwestern territory to hold elections in their respective counties on the third Monday of December, and to elect representatives to a general assembly, which he ordered to convene at Cincinnati on the 22d day of January, 1799. The representatives met at Cincinnati, and, in order to establish a legislative council according to the provisions of the Ordinance of 1787, nominated ten persons, whose names were sent to the President of the United States. Governor St. Clair then prorogued the meeting of the representatives to the 16th day of September, 1799. On the 2d of March, 1799, President Adams selected from the list of ten nominees, the names of Jacob Burnet, James Findlay, Henry Vanderburgh, Robert Oliver, and David Vance, and nominated these persons to be the legislative council of the territory of the United States northwest of the river Ohio. On the next day the nomination was confirmed by the Senate.*

A few members of the territorial legislature met at Cincinnati on the 16th of September, 1799, but the two houses were not properly organized until the 24th of September. Henry Vanderburgh was elected president of the legislative council. In the same body, William C. Schenk was elected secretary; George Howard, doorkeeper, and Abner Cary, sergeant-at-arms. The names of the members of the house of representatives were as follows:

From the county of Hamilton.—William Goforth, William McMillan, John Smith, John Ludlow, Robert Benham, Aaron Cadwell, [or Caldwell,] and Isaac Martin.

From the county of Ross.—Thomas Worthington, Samuel Finley, Elias Langham, and Edward Tiffin.

From the county of Wayne.—Solomon Sibley, Charles F. Chobert de Joncaire, and Jacob Visger.

From the county of Adams.—Joseph Darlington, and Nathaniel Massie.

* Journal of the executive proceedings of the Senate of the United States, i, 323.

From the county of Knox.—Shadrach Bond.

From the county of Jefferson.—James Pritchard.

From the county of Washington.—Return Jonathan Meigs.

The house of representatives elected Edward Tiffin, speaker; John Reilly, clerk; Joshua Rowland, doorkeeper; and Abraham Cary, sergeant-at-arms.*

On the 25th of September, Governor St. Clair addressed the territorial legislature, and, after calling the attention of that body to various subjects, closed his message in the following words: "The providing for, and the regulating the lives and morals of the present and of the rising generation, for the repression of vice and immorality, and for the protection of virtue and innocence, for the security of property, and the punishment of crimes, is a sublime employment. Every aid in my power will be afforded, and I hope we shall bear in mind, that the character and deportment of the people, and their happiness both here and hereafter, depend very much upon the genius and spirit of their laws."

On the 3d of October, 1799, the territorial legislature elected a delegate to Congress from the northwestern territory. William H. Harrison, who was elected, received eleven votes; and Arthur St. Clair, jr. (son of Governor St. Clair,) received ten votes.

In the course of their session, which was terminated on the 19th of December, 1799, the legislative council and house of representatives passed forty-eight acts. Of these acts, Governor St. Clair approved thirty-seven, and vetoed eleven. Among these eleven rejected acts there were six that related to the erection of new counties. The following is a list of the titles of the laws which were passed by the legislature and approved by the governor:

I.—An act to confirm and give force to certain laws, enacted by the governor and judges of the territory.—Approved on the 28th of October.

II.—An act regulating the admission and practice of attorneys and counselors at law.—Approved on the 29th of October.

III.—An act regulating inclosures.—Approved on the 29th of October.

* Atwater's History of Ohio, 162.

IV.—An act providing for the service and return of process in certain cases.—Approved on the 29th of October.

V.—An act regulating the interest of money, and fixing the same at six per centum per annum, and for preventing usury.—Approved on the 15th of November.

VI.—An act authorizing and regulating arbitrations.—Approved on the 15th of November.

VII.—An act to establish and regulate ferries.—Approved on the 15th of November.

VIII.—An act making promissory notes and inland bills of exchange negotiable.—Approved on the 15th of November.

IX.—An act to prevent trespassing by cutting of timber.—Approved on the 15th of November.

X.—An act supplemental to an act entitled “an act to prevent trespassing by cutting of timber.”—Approved on the 19th of December.

XI.—An act regulating grist-mills and millers.—Approved on the 2d of December.

XII.—An act to regulate the disposition of water-crafts of certain descriptions, found gone or going adrift, and of estray animals.—Approved on the 2d of December.

XIII.—An act for the prevention of vice and immorality.—Approved on the 2d of December. [This act was designed to prevent Sabbath-breaking, profane swearing, drunkenness, duelling, cock-fighting, running horses on public highways, and gambling at billiards, cards, dice, shovel-board, etc.]

XIV.—An act to create the office of a territorial treasurer and an auditor of public accounts.—Approved on the 2d of December.

XV.—An act establishing courts for the trial of small causes.—Approved on the 2d of December.

XVI.—An act providing for the appointment of constables.—Approved on the 2d of December.

XVII.—An act to ascertain the number of free male inhabitants, of the age of twenty-one, in the territory of the United States northwest of the river Ohio, and to regulate the elections of representatives for the same.—Approved on the 6th of December.

XVIII.—An act to prevent the introduction of spirituous

liquors into certain Indian towns.—Approved on the 6th of December.

XIX.—An act regulating the firing of woods, prairies, and other lands.—Approved on the 6th of December.

XX.—An act establishing and regulating the militia.—Approved on the 13th of December.

XXI.—An act defining and regulating privileges in certain cases.—Approved on the 6th of December.

XXII.—An act for allowing compensation to the members of the house of representatives, who attended to put in nomination the members of the legislative council, and for defraying the incidental expenses accrued thereon.—Approved on the 13th of December.

XXIII.—An act for the relief of poor persons imprisoned for debt.—Approved on the 13th of December.

XXIV.—An act for opening and regulating public roads and highways.—Approved on the 13th of December.

XXV.—An act levying a territorial tax on land.—Approved on the 19th of December. [By this act the owners of lands within the territory were taxed, for every hundred acres of first rate land, eighty-five cents; for every hundred acres of second rate land, sixty cents; for every hundred acres of third rate land, twenty-five cents; and so in proportion for a greater or smaller quantity.]

XXVI.—An act to regulate county levies.—Approved on the 19th of December.

XXVII.—An act allowing and regulating prison bounds.—Approved on the 19th of December. [The prison bounds allowed by this act did not extend in any direction more than two hundred yards from the jail.]

XXVIII.—An act for the appointment of county treasurers.—Approved on the 19th of December.

XXIX.—An act for allowing compensation to the members of the legislative council and house of representatives of the territory of the United States northwest of the river Ohio, and to the officers of both houses.—Approved on the 19th of December. [This act allowed to each member of the legislature the sum of three dollars "for each and every day's attendance on the business of legislation," and "at the commencement

and ending of every session, three dollars for every fifteen miles of the estimated distance, by the most usual road, from his place of residence to the seat of the assembly." To the secretary of the council, the sum of three dollars per day "for his services in attending to the business of the council, and the additional sum of three dollars per day for clerk hire and incidental expenses." To the clerk of the house of representatives, three dollars per day for his services, "and the additional sum of four dollars per day for clerk hire and incidental expenses." To the sergeant-at-arms for both houses two dollars per day; and to the door-keeper of each, one dollar and fifty cents per day, during the session.]

XXX.—An act to regulate the inclosing and cultivating of common fields.—Approved on the 19th of December.

XXXI.—An act regulating the fees of the constables in the several counties within this territory.—Approved on the 19th of December.

XXXII.—An act to encourage the killing of wolves.—Approved on the 19th of December.

XXXIII.—An act for the punishment of arson.—Approved on the 19th of December.

XXXIV.—An act for allowing compensation to the attorney-general of the territory, and to the persons prosecuting the pleas in behalf of the territory, in the several counties.—Approved on the 19th of December.

XXXV.—An act supplementary to the act entitled "A law for the relief of the poor."—Approved on the 19th of December.

XXXVI.—An act appropriating moneys for the payment of the debts due from this territory, and making appropriations for the ensuing year.—Approved on the 19th of December.

XXXVII.—An act repealing certain laws and parts of laws.—Approved on the 19th of December.

On the 30th of December, 1799, the President of the United States nominated Charles Willing Byrd to the office of secretary of the territory of the United States northwest of the river Ohio; and, on the next day, the senate confirmed the nomination.

On the 7th of May, 1800, the President of the United States approved an act of Congress entitled "An act to divide the territory of the United States northwest of the river Ohio into two separate governments."*

CHAPTER XXX.

INDIAN LANDS—INDIAN TRADE—EARLY FRENCH SETTLEMENTS.

THE boundary lines which were established, at the treaty of Greenville, in 1795, between the lands of the United States and the lands of the northwestern Indian tribes, gave to the Indians all the territory lying within the present limits of Indiana, with the following exceptions. First:—One tract of land six miles square, at the confluence of the rivers St. Mary and St. Joseph, where the town of Fort Wayne now stands. Secondly:—One tract of land, two miles square, on the Wabash river, at the end of the portage from the head of the river Maumee, and about eight miles westward from Fort Wayne. Thirdly:—One tract of land, six miles square, at Ouiatenon, or the old Wea town, on the river Wabash. Fourthly:—The tract of one hundred and fifty thousand acres, near the falls of the river Ohio; which tract was called the "Illinois Grant," or "Clark's Grant." Fifthly:—The town of Vincennes, on the river Wabash, and the adjacent lands to which the Indian title had been extinguished; and all similar lands, at other places, in possession of the French people, or other white settlers among them. And, sixthly:—The strip of land lying east of a line running directly from the site of Fort Recovery so as to intersect the river Ohio at a point opposite to the mouth of the Kentucky river.

Between the years 1795 and 1811, the government of the United States maintained pacific relations with the Miamis,

* Laws of the United States, iii, 367.

COSTUMES, ARMS, AND HABITATIONS OF EARLY INHABITANTS.



Delawares, Shawanees, and other northwestern Indians who were parties to the treaty of Greenville. In the mean time a considerable traffic was carried on with the Indians, by fur traders, at Fort Wayne, and Vincennes, and at different small trading-posts which were established on the borders of the Wabash river and its tributaries. The furs and peltries which were obtained from the Indians, were generally transported to Detroit. The skins were dried, compressed, and secured in packs. Each pack weighed about one hundred pounds. A pirogue, or boat, that was sufficiently large to carry forty packs, required the labor of four men to manage it on its voyage. In favorable stages of the Wabash river, such a vessel, under the management of skillful boatmen, was propelled fifteen or twenty miles a day, against the current. After ascending the river Wabash and the Little River to the portage near Fort Wayne, the traders carried their packs over the portage, to the head of the river Maumee, where they were again placed in pirogues, or in keel-boats, to be transported to Detroit. At this place the furs and skins were exchanged for blankets, guns, knives, powder, bullets,* intoxicating liquors, etc., with which the traders returned to their several posts. According to the records of the customhouse at Quebec, the value of the furs and peltries exported from Canada, in the year 1786, was estimated at the sum of two hundred and twenty-five thousand nine hundred and seventy-seven pounds sterling.

After the death of General Wayne, which occurred in 1796, the command of the United States military forces in the west devolved upon General James Wilkinson. Of these forces, a small detachment was stationed at Fort Wayne, and a garrison was maintained in Fort Knox, at Vincennes. The small garrison at this place remained under the command of Captain Thomas Pasteur, of the first United States regiment, till September, 1798, when, on the removal of this officer to Fort Massac, the garrison of Fort Knox was placed under the command of Captain Robert Buntin.

In the year 1795, a few families settled on the large tract of bottom land which lies on the banks of the river Ohio, where

* The bullets which were made to fit the guns in use among the Indians, were valued at four dollars per hundred. Powder, at one dollar per *pint*.

the town of Lawrenceburg now stands, in Dearborn county; and, in the course of the same year, a small settlement was founded at "Armstrong's Station," on the Ohio river, within the present limits of Clark county.

In the summer of the year 1796, Mr. Volney, a distinguished French traveler, visited Vincennes. At that time the town contained about fifty dwelling houses, "whose cheerful white relieved the eye, after the tedious dusk and green of the woods."* Each house was surrounded by a garden fenced with poles. Peach trees, and inferior kinds of apple trees grew in many of the inclosures. Many different kinds of garden vegetables were cultivated by the inhabitants; and corn, tobacco, wheat, barley, "and even cotton," grew in the fields around the village.

The following passages, relating to the condition of the population of Vincennes, in 1796, are taken from Volney's "View of the Soil and Climate of the United States of America:"—"Adjoining the village and river is a space, inclosed by a ditch eight feet wide, and by sharp stakes six feet high. This is called the fort, and is a sufficient safeguard against surprises from the Indians. I had letters to a principal man† of the place, by birth a Dutchman, who spoke good French. I was accommodated at his house, in the kindest and most hospitable manner, for ten days. The day after my arrival [August 3d] a court was held, to which I repaired, to make my remarks on the scene. On entering, I was surprised to find the audience divided into races of men, in person and feature widely differing from each other. The fair or light brown hair, ruddy complexion, round face, and plump body, indicative of health and ease, of one set, were forcibly contrasted with the emaciated frame and meager, tawny visage of the other. The dress, likewise, of the latter denoted their indigence. I soon discovered that the former were new settlers from the neighboring States, whose lands had been reclaimed five or six years before, while the latter were French of sixty years standing in the district. The latter, three or four excepted, knew nothing of English, while the former were almost as ignorant of French. I had

* Volney's View; Philadelphia edition of 1804, p. 332.

† Henry Vanderburgh.

acquired, in the course of the year, a sufficient knowledge of English to converse with them, and was thus enabled to hear the tales of both parties.

“The French, in a querulous tone, recounted the losses and hardships they had suffered, especially since the last Indian war, in 1788. * * * * They complained that they were cheated and robbed, and especially that their rights were continually violated by the courts, in which two judges only out of five were Frenchmen, who knew little of the laws or language of the English. Their ignorance, indeed, was profound. Nobody ever opened a school among them, till it was done by the able R., [Rivet,] a polite, well-educated, and liberal-minded missionary, banished hither by the French revolution. Out of nine of the French, scarcely six could read or write; whereas, nine-tenths of the Americans, or emigrants from the east, could do both. * * * * I could not fix, with accuracy, the date of the first settlement of Vincennes; and, notwithstanding the homage paid by some learned men to tradition, I could trace out but few events of the war of 1757, though some of the old men lived before that period. I was only able to form a conjecture that it was planted about 1735.

“These statements were confirmed, for the most part, by the new settlers. They only placed the same facts in a different point of view. They told me that the Canadians (for by that name the French of the western colonies are known to them) had only themselves to blame for all the hardships they complained of. We must allow, say they, that they are a kind, hospitable, sociable sect; but then, for idleness and ignorance, they beat the Indians themselves. They know nothing at all of our civil or domestic affairs. Their women neither sew, nor spin, nor make butter. * * * * The men take to nothing but hunting, fishing, roaming through the woods, and loitering in the sun. They do not lay up, as we do, for winter, or provide for a rainy day. They can not cure pork or venison, make sourkrout or spruce beer, or distill spirits from apples or rye—all needful arts to the farmer.”

The difficulties of ascertaining the periods at which the first permanent civilized settlements were founded, within the present limits of the State of Indiana, has been mentioned in a preceding chapter. The old Piankeshaw village, that stood at

the site of Vincennes; the Wea villages, which were situated near the place that was selected for the building of post Ouiatenon; and the Twightwee or Miami village, which stood at the site of Fort Wayne, were, unquestionably, visited by missionaries and traders at a very early period of the eighteenth century—perhaps as early as the year 1702.*

In a memoir of M. de Denonville, on the French limits in North America, dated “8th March, 1688,” it is stated that the French, at that time, had “divers establishments” on the river Mississippi, “as well as on that of Oyo, Ouabache, etc., which flow into the said river Mississippi.”†

In a letter dated “Quebec, 19th October, 1705,” M. de Vaudreuil says, that he “sent Sieur de Vinseine to the Miamis.”‡ It seems, however, that this officer drew upon himself at least the temporary displeasure of the French king. A letter from M. de Ponchartrain to M. de Vaudreuil, dated “Versailles, 9th June, 1706, says: “His majesty approves your sending Sieur Jonquieres to the Iroquois, because he is esteemed by them, and has not the reputation of a trader; but you ought not to have sent Sieur de Vincennes to the Miamis, nor Sieur de Louvigny to the Missilimaquina, as they are accused of carrying on contraband trade. You are aware that the said Sieur de Louvigny has been punished for that; and his majesty desires that you cause Sieur Vincennes to be severely punished—he having carried on an open and undisguised trade.”§ In 1712 M. de Vaudreuil again sent “Sieur de Vincennes” to the Miamis.||

A memoir, which was written in 1718, contains the follow-

* In 1702 M. de Jucherau, a French officer, of Montreal, accompanied by thirty-four Canadians, attempted to form a settlement at the mouth of the “*Ouabache*,” to collect buffalo skins.—*La Harpe’s Journal*, under date of February 8, 1703. The name “*Ouabache*” was sometimes applied to the river Ohio by early French writers.

† Paris Documents—Colonial History of New York, vol. ix, p. 384. The “Paris Documents” are copies of “originals in the archives of the department of the marine and the colonies—in the archives of the department of war, and in the Royal Library at Paris.—Copied by John Romeyn Broadhead, Esq., under the authority of the State of New York.

‡ Paris Documents.

§ Paris Documents.

|| Letter from M. de Vaudreuil to M. de Pontchartrain, dated November 6, 1712.

ing passages concerning the Miami village which stood at the site of Fort Wayne, and the Wea villages which stood around Ouiatenon :

“The Miamis are situated sixty leagues from Lake Erie, and number four hundred, all well formed men, and well tattooed ; the women are numerous. They are hard working, and raise a species of maize unlike that of our Indians at Detroit. It is white, of the same size as the other, the skin much finer, and the meal much whiter. This nation is clad in deer skin. * * * They love plays and dances ; wherefore they have more occupation. The women are well clothed ; but the men use scarcely any covering, and are tattooed all over the body. From this Miami village there is a portage of three leagues to a little and very narrow stream that falls, after a course of twenty leagues, into the Ohio or the Beautiful river, which discharges into the Ouabache—a fine river that falls into the Mississippi, forty leagues from Cascachias. Into the Ouabache falls also the Casquinampo, which communicates with Carolina ; but this is very far off, and always up stream.

“This river Ouabache is the one on which the Ouyatanons are settled. They consist of five villages, which are contiguous the one to the other. One is called Oujatanon ; the other Peanguichias ; and another Petitscotias ; and the fourth Les gros. The name of the last I do not recollect ; but they are all Oujatanons, having the same language as the Miamis—whose brothers they are, and properly all Miamis, having all the same customs and dress. The men are very numerous—fully a thousand or twelve hundred. They have a custom different from all the other nations ; which is, to keep their fort extremely clean, not allowing a blade of grass to remain in it. The whole of the fort is sanded like the Tuileries. * * * Their village is situated on a high hill ; and they have over two leagues of improvement, where they raise their Indian corn, pumpkins, and melons. From the summit of this elevation, nothing is visible to the eye but prairies full of buffaloes.”*

* Paris Documents. 1718—Colonial History of New York, vol. ix, p. 891.

In 1715 the governor-general of Canada received letters from the missionary, De Ville, and from "Sieur de Vincenne," in which the writers referred to "the encroachments of the English on the Ouabache and Mississippi."

In a letter addressed to the council of marine, on the 28th of October, 1719, M. de Vaudreuil says: "I learn from the last letters that have arrived from the Miamis, that Sieur de Vincennes, having died* in their village, these Indians had resolved not to remove to the river St. Joseph, [of lake Michigan,] and to remain where they are." In the same year, 1719, it seems that Sieur Dubuisson was selected as a suitable person to act as commandant at Ouiatenon, with instructions to induce the Indians, if possible, to remove to St. Joseph, beyond the influence of the English.

In 1725 M. de Vaudreuil received a report from Sieur de Longueuil, governor of Montreal, in which that officer mentioned "two houses and some stores" which "the English, from Carolina," had built "on a little river which flows into the Ouabache, where they trade with the Miamis and the Onyatanons."†

Some time about the year 1733, the friendly relations which existed between the Ouiatenon branch of the Miamis and the French, were temporarily disturbed by an affray "between some drunken young Ouiatenons and two or three French voyageurs, in an affair of trade." M. de Arnaud was sent, with a small military force, to attack the Ouiatenons; but, on arriving at the Miami village, he was induced to abandon his hostile designs. His motives for doing so were explained to his superior officers; and a friendly intercourse was reëstablished between the French and the Ouiatenons.

A document, which was written at Kaskaskia, in 1735, mentions M. de Vincenne as commandant of a post on the "Ouabache" river. Seven years after this period, in 1742, and "some time after the foundation of [post Vincennes,] the natives of the country made the French and their heirs an

* This report of the death of Vincennes was untrue; or there was soon afterward, in the west, another French officer who bore the name of M. de Vincennes.

† Report on the affairs of Canada—Paris Documents.

absolute gift of the lands lying between *the point above* [pointe coupée en haut,) and the river Blanche [white river] below the village, with as much lands on both sides of the Wabash as might be comprised within the said limits."* In a memorial on the affairs of Louisiana, by M. Le Bailly Messager, dated December 17, 1749, a proposition was made to establish "a central power on the Wabash." In the early part of the same year, 1749, a mission or church was established at post Vincennes by the missionary, Sebast. Lud. Meurin.

The early commandants of French posts in the country northwest of the river Ohio sometimes assumed the power of granting small lots of land to those who settled around their respective posts. Some grants or deeds of gift, of this kind, written upon small pieces of coarse paper, were made by "St. Ange, commandant au poste Vincenne," as early as the year 1749. It seems that no grants of land were ever made to settlers, either at Ouiatenon or at the site of Fort Wayne, by any of the French commandants of the small posts which were established at those places.

Among the manuscripts of the Catholic church at Vincennes, there is a record of the baptism of a child at post Ouiatenon, on the 21st of May, 1752.† The baptismal ceremony was performed by P. du Jaunay, a missionary of the Jesuit order. At this time, post Ouiatenon was under the charge of a person who styled himself "a captain of infantry, and commandant for the king."

In a speech, addressed to the assembly of Pennsylvania, in 1754, Governor Morris said that the French were "making a settlement of three hundred families in the country of the Twightwees," or Miamis. In the year 1765, when George Croghan, who was an officer in the British Indian department, visited Ouiatenon, he found, at that place, about fourteen French families "*living in the fort.*" At the Twightwee village, which stood "on both sides of the St. Joseph river," near the site of Fort Wayne, Mr. Croghan, in the same year, found "about forty or fifty [Indian] cabins, besides nine or ten French

* Memorial addressed to President Washington, signed by sixteen of the inhabitants of Vincennes, and dated November 20, 1793.

† *Annals of the West*—Albach's *Pittsburg* edition, p. 84.

houses," and "a stockade fort somewhat ruinous." Joseph Drouet de Richardville, the father of the late principal chief of the Miamis, resided at this place, as an Indian trader, as early as the year 1763.

The social condition of the early French settlers on the borders of the river Wabash, was formed, in some measure, by the influence of the manners and customs which prevailed among the Indian tribes with whom they maintained a friendly intercourse. While the barbarism of the Indians was, in some degree, softened by this intercourse, the morals of the French were not improved. The pioneer Frenchmen readily adopted the business of traders, boatmen, and hunters; but they made no efforts to become either learned in letters, or skillful in agricultural pursuits, or ingenious in the practice of the mechanic arts. Dancing, running footraces, jumping, wrestling, and shooting at marks, were among their favorite amusements. Their modes of observing religious duties did not impose on them any heavy burdens. Their manners and customs carried them above a condition of barbarism, but left them below a state of true civilization; and they were ignorant of many of those corrupting vices and crimes which, in some instances, seem to be the growth of that kind of refinement which is not purified by the spirit of christianity.

From 1779 to 1790, the inhabitants of Vincennes and the residents of the Illinois country lived, nominally, within the jurisdiction of the United States; but they were not, during this period, under the restraining influence of any effective form of civil government. With very few exceptions they had, indeed, no clear views of the nature of the government of the United States; and it seems that they wished to live, according to the old French colonial system, under the arbitrary control of those who were regarded as the commandants of the respective posts or villages. Colonel George Rogers Clark appointed "commandants" at Kaskaskia and at Vincennes, when he subjugated the British authorities at those places; and when Colonel John Todd, acting under the authority of the general assembly of Virginia, visited Vincennes and Kaskaskia early in the summer of 1779, he appointed "commandants" and several magistrates, who were authorized to organize courts of civil and criminal jurisdiction. In conferring the appoint-

ment of "commandant of Post Vincennes" on Colonel Legras, on the 20th of July, 1779, Colonel Todd said: "During my absence you are to act as commandant, and, until further orders, you are authorized to exercise all the powers which are vested in me. The power to suspend the execution of the laws is a power only of necessity, and your discretion will teach you to use it sparingly. The prosperity of your village depends very much upon the harmony which I hope you will cultivate with the military officers—extending to them all the favor and assistance in your power, compatible with the liberty granted by government to the people."*

In a letter, dated "June 2, 1780," and addressed to the governor of Virginia, Colonel Todd said: "On consulting with Colonel Clark, we found it impracticable to maintain too many petty posts in the Illinois with so few men, and considered it better to withdraw them all to one post. The land at the junction of the Ohio and Mississippi was judged the best for this purpose, as it would command the trade of an extensive country on both sides of each river, and might serve as a check to any encroachments of our present allies, the Spaniards, whose growing power might justly put us upon our guard, and whose fondness for engrossing territory might otherwise urge them higher up the river, upon our side, than we would wish. * * *. Lest the withdrawing of our troops from St. Vincenne [Vincennes] might raise suspicions among the citizens to our disadvantage, I have sent to Major Bosseron, the then district commandant, blank commissions, with powers to raise one company, and put them in possession of the garrison, with assurance that pay and rations should be allowed them by the government."

The following statement, concerning the condition of public affairs at Kaskaskia and at Vincennes, is extracted from a letter written by Walker Daniel, Esq.,† dated "February 3d, 1783," and addressed to the Virginia commissioners for the adjustment of public accounts. Mr. Daniel says: "He [Captain Tardiveaux] complains that they are wholly without law or government; that their magistrates, from indolence or sin-

* Translated from Colonel Legras' commission.

† Mr. Daniel was the original proprietor of the town of Danville, Ky.

ister views, having for some time been relax in the execution of their offices, are now altogether without authority; that crimes of the greatest enormity may be committed with impunity, and a man may be murdered in his own house, and no person regards it; that they have no sheriffs nor prisons; and, to crown the general confusion, that many people have made large purchases of three or four hundred leagues, and are endeavoring to have themselves established lords of the soil, as some have done in Canada."

The state of insecurity and confusion which prevailed among the population of Vincennes, during the years 1784, 1785, and 1786, has been noticed in preceding chapters. A better condition of affairs was established in 1787, after the visit of Colonel Josiah Harmar. This officer, at the head of a detachment of United States infantry, after marching across the country from a point on the Ohio river at the mouth of Pigeon creek, reached Vincennes on the 19th of July, 1787. Major John F. Hamtramck, (of Colonel Harmar's regiment,) with an escort of one hundred men, having in charge several boats in which there were army stores and baggage, arrived at Vincennes six days later, on the 25th of July. This officer, with a strong detachment of United States infantry, was stationed at Vincennes, as commandant of the place, and Colonel Harmar, after having visited Kaskaskia, returned to Fort Harmar, at the mouth of the river Muskingum.

The following documents, (translated from the original manuscript orders,) will enable the reader to form an opinion of the manner in which the municipal affairs of Post Vincennes were regulated and controlled while Major Hamtramck acted as commandant of that place:

"RESOLUTION OF THE INHABITANTS OF POST VINCENNES.

"We, the undersigned inhabitants of Post Vincennes, (having for some time past noticed the conduct of many of our neighbors who, to the prejudice of the public good, appropriate to themselves quantities of land on the commons, not as homes for their families, according to the spirit and meaning of the law regulating grants, but for the purpose of carrying on an improper traffic with persons who are not permanent citizens,) are of the opinion that all persons should be prohibited from cultivating any lot or piece of ground in our commons, until

permission to that effect be received from the general government; and that, in the mean time, the privilege be granted to each family to take and occupy, for their own use, a lot fifty yards square.

“Made, concluded, and signed with our ordinary marks, at a meeting held on Sunday, the 10th day of May, 1789.

[Signed,]	JEAN BAPT. MILIET,	DUBOIS,
	PIERRE LAFOREST,	JOS. BINETTE,
	ALEXANDER VALLEE,	MEDARD BAILLIARJON,
	PIERRE QUERET,	CHINE,
	PIERRE COURNOYER,	JOSEPH CHARTIER,
	FRANCOIS BROUILLETTE,	PIERRE CARTIER,
	FRANCOIS TRUDELLE,	JACQUES CARDINAL,
	AMABLE QUARQUIJUS,	CHARLES BONEAU,
	JOSEPH POIRIER,	JOSEPH VAUDRY,
	FRANCOIS BARIL,	LOUIS BOYER.

“Drawn up, according to the intentions of the signers, by us, [‘par nous,’] Antoine Gamelin, notary and register.”

“FORT KNOX, May 10, 1789.

“In consequence of a request presented to me, all persons are expressly prohibited (under the penalty of a fine for the first trespass and imprisonment for the second) from cultivating any lot or piece of ground on the commons, or occupying any part thereof, without regular permission.

J. F. HAMTRAMCK,

Major 1st U. S. Reg't and Com'd't.”

“ORDINANCE.

“Many persons having sold their goods and lands, to the prejudice of their creditors, the inhabitants and others of the district of Post Vincennes, are expressly prohibited, henceforth, from selling, or exchanging, or mortgaging, any part of their goods, lands, or slaves, under any pretext, without express permission from the officer commanding at this place. This ordinance to remain in force until the arrival of his excellency, the governor.

“Given under my hand and seal, in Fort Knox, at Post Vincennes, the 24th day of March, 1790.

J. F. HAMTRAMCK,

Major Commandant.”

CHAPTER XXI.

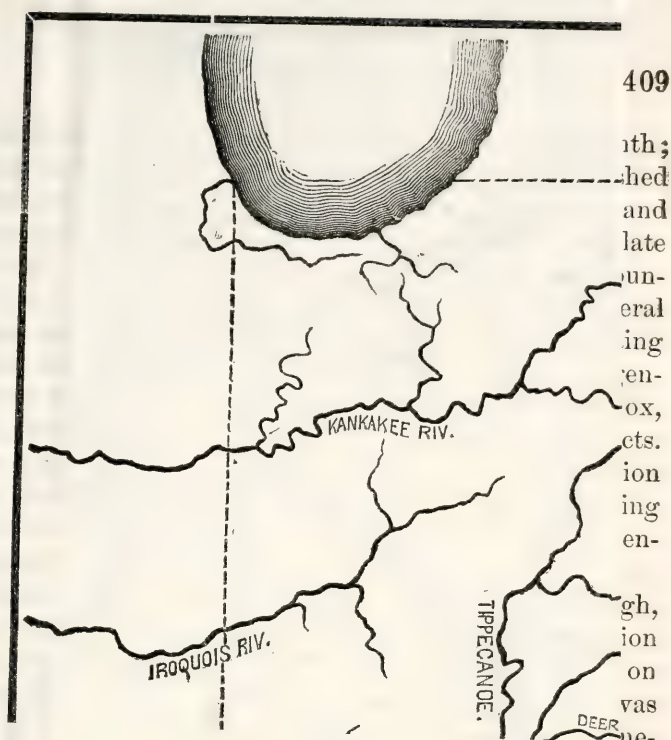
INDIANA TERRITORY ORGANIZED—SLAVERY QUESTION.

ON the division of the territory of the United States, northwest of the river Ohio, by the act of Congress of May 7th, 1800, the material parts of the ordinance of the 13th of July, 1787, remained in force in the Indiana territory; and the inhabitants of this new territory were invested with all the rights, privileges, and advantages granted and secured to the people by that ordinance. The seat of government for the Indiana territory was fixed at Vincennes.

On the 13th* of May, 1800, William Henry Harrison, a native of Virginia, was appointed governor; and on the next day, John Gibson, a native of Pennsylvania, and a distinguished western pioneer, (to whom, in 1774, the Indian chief, Logan, delivered his celebrated speech,) was appointed secretary of the territory. Soon afterward, William Clark, Henry Vanderburgh, and John Griffin, were appointed territorial judges. At this time the civilized population of the territory was estimated at four thousand eight hundred and seventy-five.

The secretary of the Indiana territory, on his arrival at Vincennes, in July, 1800, proceeded, in the absence of Governor Harrison, to make several appointments of territorial officers, and to provide for the administration of the laws. On the 10th of January, 1801, Governor Harrison, having arrived at Vincennes, issued a proclamation requiring the attendance of the judges of the Indiana territory at the seat of government, for the purpose of adopting and publishing "such laws as the exigencies of the times" required, and for the "performance of other acts conformable to the ordinances and laws of Congress for the government of the territory." The governor and the territorial judges accordingly met at Vincennes, on Monday the 12th of January, 1801, and continued to hold

* The day on which Governor Harrison's nomination was confirmed by the Senate.



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CHAPTER XXXI.

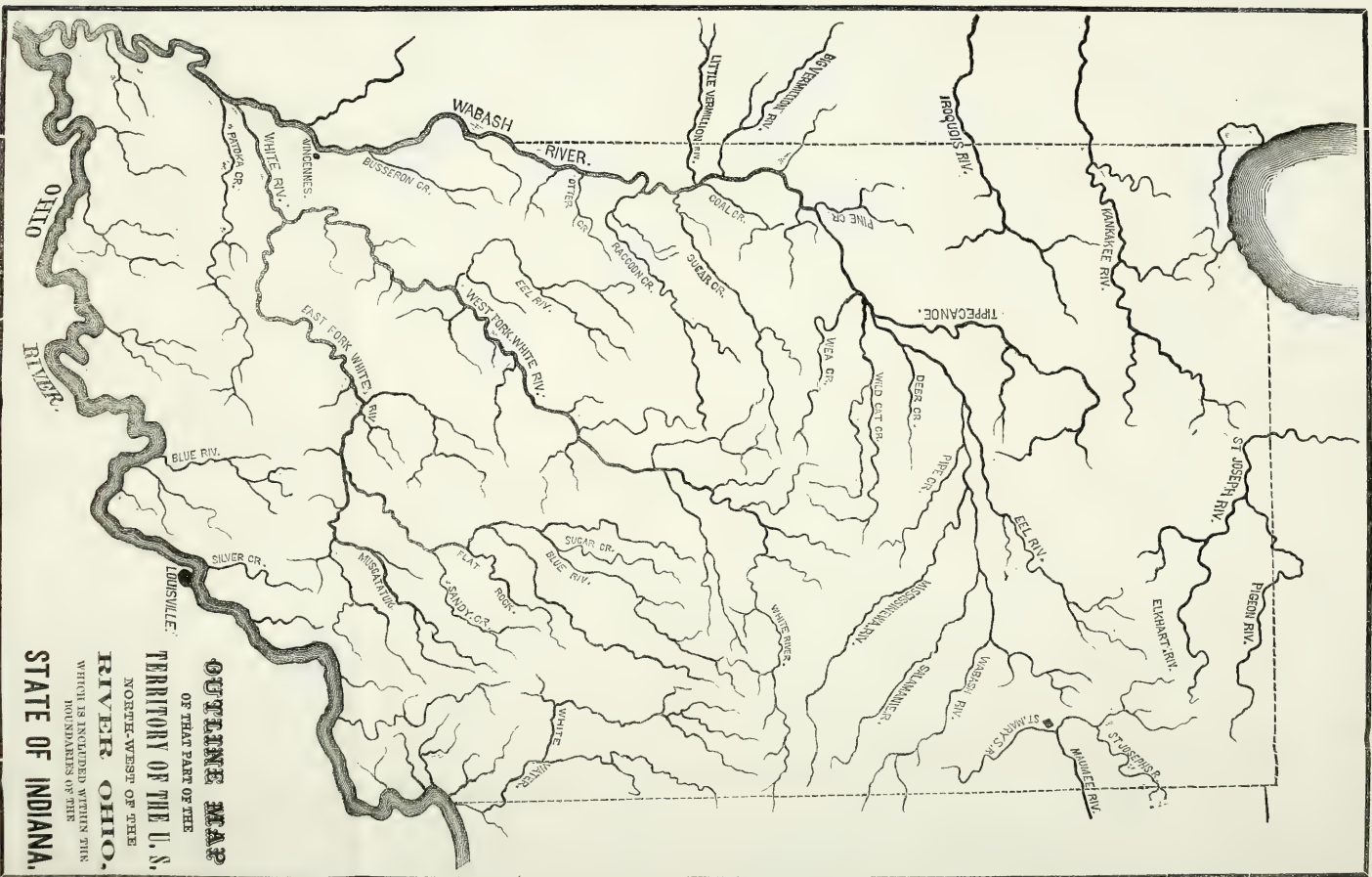
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ON the division of the territory of the United States, northwest of the river Ohio, by the act of Congress of May 7th, 1800, the material parts of the ordinance of the 13th of July, 1787, remained in force in the Indiana territory; and the inhabitants of this new territory were invested with all the rights, privileges, and advantages granted and secured to the people by that ordinance. The seat of government for the Indiana territory was fixed at Vincennes.

On the 13th* of May, 1800, William Henry Harrison, a native of Virginia, was appointed governor; and on the next day, John Gibson, a native of Pennsylvania, and a distinguished western pioneer, (to whom, in 1774, the Indian chief, Logan, delivered his celebrated speech,) was appointed secretary of the territory. Soon afterward, William Clark, Henry Vanderburgh, and John Griffin, were appointed territorial judges. At this time the civilized population of the territory was estimated at four thousand eight hundred and seventy-five.

The secretary of the Indiana territory, on his arrival at Vincennes, in July, 1800, proceeded, in the absence of Governor Harrison, to make several appointments of territorial officers, and to provide for the administration of the laws. On the 10th of January, 1801, Governor Harrison, having arrived at Vincennes, issued a proclamation requiring the attendance of the judges of the Indiana territory at the seat of government, for the purpose of adopting and publishing "such laws as the exigencies of the times" required, and for the "performance of other acts conformable to the ordinances and laws of Congress for the government of the territory." The governor and the territorial judges accordingly met at Vincennes, on Monday the 12th of January, 1801, and continued to hold

* The day on which Governor Harrison's nomination was confirmed by the Senate.



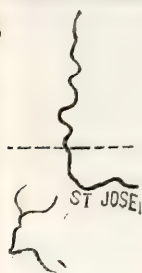
OUTLINE MAP

OF THAT PART OF THE

**TERRITORY OF THE U. S.
NORTH-WEST OF THE
RIVER, OHIO.**

WHICH IS INCLUDED WITHIN THE
BOUNDARIES OF THE

STATE OF INDIANA.



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sessions from day to day, until the 26th of the same month; when they adjourned, after having adopted and published seven laws and three resolutions. The titles of these acts and resolutions were: 1. A law supplemental to a law to regulate county levies. 2. A resolution concerning attorneys and counsellors at law. 3. A law to regulate the practice of the general court upon appeals and writs of errors. 4. A law respecting amendment and jeofail. 5. A law establishing courts of general quarter sessions of the peace in the counties of Knox, Randolph, and St. Clair. 6. An act repealing certain acts. 7. A law appointing a territorial treasurer. 8. A resolution respecting the establishment of ferries. 9. A law concerning the fees of officers. 10. A resolution concerning the compensation to the clerk of the legislature.

The territorial judges, William Clark, Henry Vanderburgh, and John Griffin, commenced the holding of the first session of the general court of the Indiana territory, at Vincennes, on the 3d of March, 1801. The first grand jury which was impaneled, in the Indiana territory, was composed of nineteen persons,—namely: Luke Decker, Antoine Marchal, Joseph Baird, Patrick Simpson, Antoine Petit, Andre Montplaisieur, John Ockiltree, Jonathan Marney, Jacob Tevebaugh, Alexander Valley, Francois Turpin, Fr. Compagnoitte, Charles Languedoc, Louis Severe, Fr. Languedoc, Geo. Catt, John Bt. Barois, Abraham Decker, and Philip Catt.

Between the years 1800 and 1810, the principal subjects which attracted the attention of the people of the Indiana territory, were land speculations, the adjustment of land titles, the question of negro slavery, the purchase of Indian lands by treaties, the organization of territorial legislatures, the extension of the right of suffrage, the division of the Indiana territory, the movements of Aaron Burr, and the hostile views and proceedings of the Shawanee chief, Tecumseh, and his brother, the Prophet.

In the year 1721, Louis XV, king of France, by a royal ordinance,* authorized the company of the Indies to import negro slaves into the province of Louisiana. This province, at that time, extended, on the western side of the Allegheny

* See page 31 *ante*.

mountains, over all those regions through which the river Mississippi and its tributaries flow. Of the early French colonists, some who settled at Kaskaskia, and others who resided at Post Vincennes, were slaveholders; and, from 1721 to 1784, while the northwestern territory was claimed, successively, by France, Great Britain, and Virginia, the right of the inhabitants of the territory to hold slaves was not questioned by any legislative authority. On the 1st of March, 1784 that part of the northwestern territory, which was claimed by the State of Virginia, was transferred to the United States; and on the 13th of July, 1787, congress passed an ordinance, which declared that neither slavery nor involuntary servitude should exist in the territory, otherwise than in the punishment of crimes. This humane provision of the sixth article of the ordinance of 1787, was not, however, enforced very strictly by the civil authorities of the territorial governments of the northwest. In some instances, according to rules prescribed by territorial legislation, slaves agreed, by indentures or written contracts, to remain in servitude, under their masters, for a certain number of years; but many slaves, with whom no such agreements were made, were removed from the Indiana territory, either to the western side of the river Mississippi, or to some of the slaveholding States.

On the 22d of November, 1802, Governor Harrison, in compliance with the wishes of a number of the inhabitants of the territory, issued a proclamation, in which the people were notified that an election would be held, in the several counties of the territory, on the 11th of December, for the purpose of choosing delegates to meet, in convention, at Vincennes, on the 20th of December, 1802. The number of delegates from the several counties was fixed as follows: From the county of Knox, four; from the county of Randolph, three; from the county of St. Clair, three; and from the county of Clark, two. It was the main object of those who favored the calling of this convention, to take into consideration the expediency of adopting measures to effect either the repeal or the suspension of that article of the ordinance of 1787, which prohibited the holding of slaves in the Indiana territory. During the session of the convention, over which Governor Harrison presided, a document was prepared, in which the delegates, in behalf of

the people of the Indiana territory, declared their consent to the suspension of the sixth article of the ordinance of 1787. This document, embracing a memorial and petition of the delegates and a number of the inhabitants of the territory, was laid before congress; and, in the house of representatives, on the 2d of March, 1803, Mr. Randolph, of Virginia, chairman of the committee to whom the subject was referred, made a report, in which the following passage appears:

“The rapidly increasing population of the State of Ohio, sufficiently evinces, in the opinion of your committee, that the labor of slaves is not necessary to promote the growth and settlement of colonies in that region. That this labor, demonstrably the dearest of any, can only be employed to advantage in the cultivation of products more valuable than any known to that quarter of the United States; that the committee deem it highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the northwestern country, and to give strength and security to that extensive frontier. In the salutary operation of this sagacious and benevolent restraint, it is believed that the inhabitants of Indiana will, at no very distant day, find ample remuneration for a temporary privation of labor and of emigration.”*

Congress refused to suspend the sixth article of the ordinance of 1787; and, in opposition to the views and wishes which were afterward expressed in several petitions, resolutions, and memorials, by the legislative authority, and by many of the people of the Indiana territory, the decision of congress remained unchanged.

The principal reasons which were assigned by memorialists, in favor of a suspension of the sixth article of the ordinance of 1787, were, that such a suspension “would be highly advantageous to the territory;” that it would “meet the approbation of at least nine-tenths of the good citizens of the territory;” that “the abstract question of liberty and slavery” was not considered as involved in a suspension of the article, “inasmuch as the number of slaves in the United States would not be augmented by the measure;” that the suspension

* American State Papers—Public Lands, vol. 1, p. 160.

of the article would be equally advantageous to the territory, to the slaveholding States, and to the slaves themselves; that, at the time of the adoption of the ordinance, slavery existed in the territory, and that the ordinance was passed by congress when the citizens of the territory "were not represented in that body—without their being consulted, and without their knowledge and approbation;" that the number of slaves could never bear such a proportion to the white population "as to endanger the internal peace and prosperity of the country;" that slavery was tolerated in the territories of Orleans, Mississippi, and Louisiana; that, were all the territories opened to the introduction of slaves, a large proportion of them would naturally be drawn from the southern States; that slaves, possessed in small numbers, by farmers, "were better fed and better clothed than when they were crowded together, in quarters, by hundreds;" and that however desirable it might be to emancipate the slaves, "it could never be done until they were dispersed."*

The views of those citizens of the Indiana territory who were not in favor of the proposed suspension of the sixth article of the ordinance of 1787, were, at different times, laid before congress in memorials and remonstrances. On the 10th of October, 1807, a "numerous meeting" of the citizens of Clark county was held at Springville. John Beggs was elected chairman of the meeting; and Davis Floyd was appointed secretary. A committee, consisting of Abraham Little, John Owens, Charles Beggs, Robert Robertson, and James Beggs, prepared a memorial, which was adopted by the meeting, and laid before Congress on the 7th of November, 1807. The following passages appear in this memorial:

"The memorial of the citizens of Clark county humbly sheweth, that great anxiety has been, and still is, evinced by some of the citizens of this territory, on the subject of the introduction of slavery into the same; but, in no case, has the voice of the citizens been unanimous. In the year 1802, at a special convention of delegates from the respective counties, a petition was forwarded to congress, to repeal the sixth article

* Annals of Congress—House of Representatives, January 20, 1807, to November 13, 1807.



THE SHAWNEE PROPHET.

of compact contained in the ordinance; but the representation of all that part of the territory east of Vincennes were present, and were decidedly opposed to that part of the petition. In the year 1805, the subject was again taken up and discussed in the general assembly, and a majority of the house of representatives voted against said memorial on the aforesaid subject; and, consequently, the memorial was rejected, as the journals of that house doth sufficiently evince. But a number of citizens thought proper to sign the same; and, among the rest, the speaker of the house of representatives and the president of the council, (though the president of the council denies ever having signed the same;) and by some legislative legerdemain, it found its way into the congress of the United States as the legislative act of the territory. In the present year of 1807, the subject was again taken up by the legislature of this territory, and a majority of both houses passed certain resolutions (in the proportion of two to one) for the purpose of suspending the sixth article of compact contained in the ordinance, which, we presume, are before your honorable body. But, let it be understood, that, in the legislative council, there were only three members present, who, for certain reasons, positively refused to sign the said resolutions; and they were reduced to the last subterfuge of prevailing on the president to leave his seat, and one of the other members to take it as president *pro tem.*, for the purpose of signing the said resolutions. Whether this be right or wrong, judge ye. And although it is contended by some, that, at this day, there is a great majority in favor of slavery, while the opposite opinion is held by others, the fact is certainly doubtful. But when we take into consideration the vast emigration into this territory—and of citizens, too, decidedly opposed to the measure—we *feel satisfied that, at all events, congress will suspend any legislative act on this subject until we shall, by the constitution, be admitted into the Union, and have a right to adopt such a constitution, in this respect, as may comport with the wishes of a majority of the citizens.* * * *

The toleration of slavery is either right or wrong; and if congress should think, with us, that it is wrong—that it is inconsistent with the principles upon which our future constitution is to be formed, your memorialists will rest satisfied that at least this subject will not be, by them, taken up until the con-

stitutional number of the citizens of this territory shall assume that right.”*

On the 6th of April, 1804, Governor Harrison, having been informed that certain persons were about to remove a number of indentured persons of color from the territory, for the purpose of selling them as slaves, issued a proclamation, forbidding the removal of such persons of color; and calling upon the civil authorities of the territory to oppose and prevent the removal and sale of such persons.

By an act of congress, approved on the 26th of March, 1804, that part of the territory of Louisiana which was situated west of the river Mississippi, and north of the thirty-third degree of north latitude, was, under the name of the district of Louisiana, attached to the territory of Indiana; and the governor and judges of this territory were invested with authority to exercise, over the district of Louisiana, powers similar to those which they were authorized to exercise for the maintenance of civil government in the territory of Indiana. In conformity with the provisions of this act of congress, Governor Harrison and the judges of the Indiana territory, at a session begun at Vincennes, on the first of October, 1804, adopted and passed some laws for the government of the district of Louisiana. This district was, however, detached from the territory of Indiana, and organized into a separate territory, under the provisions of an act of congress, approved on the 3d of March, 1805.

When it appeared by the result of a vote which was taken in the Indiana territory, on the 11th of September, 1804, that a majority of one hundred and thirty-eight of the freeholders of the territory were in favor of organizing a General Assembly, Governor Harrison issued a proclamation in which he declared that the territory had passed into the second grade of government, as contemplated by the ordinance of 1787, and fixed Thursday, January 3d, 1805, as the time for holding an election in the several counties of the territory, to choose members of a house of representatives; which members were required to meet at Vincennes, on the first of February, in order to adopt measures for the organization of a territorial legisla-

* Annals of Congress—10th Congress, 1st session, vol. i, p. 26.

tive council. The members of the house of representatives who assembled, in obedience to this proclamation, proceeded, on the 7th of February, 1805, to select, by ballot, the names of ten residents of the territory, to be forwarded to the President of the United States—five of which number the President, under the authority of Congress, was authorized to appoint and commission as members of the legislative council of the Indiana territory. The ten persons whose names were thus selected, and forwarded to the President were—John Rice Jones, and Jacob Kuykendall, of Knox county; Samuel Gwathmey, and Marston Green Clark, of Clark county; Benjamin Chambers, of Dearborn county; Jean Francois Perrey, and John Hay, of St. Clair county; Pierre Menard, of Randolph county; and James May and James Henry, of Detroit, in the county of Wayne.

Mr. Jefferson, who was, at that time President of the United States, waived the right of designating, from the list, the members of the legislative council, on the ground that, “as the characters were unknown to him, it would be substituting chance for choice, were he to name the five councilors.”* The President, however, forwarded to Governor Harrison an instrument in which blanks were left for the names of five members of the legislative council; and the governor was authorized to fill the blanks with the names of suitable persons, rejecting “land-jobbers, dishonest men, and those who, though honest, might suffer themselves to be warped by party prejudices.”

By an act of congress, approved on the 11th of January, 1805, a few days after the first meeting of the house of representatives of the Indiana territory, and before the organization of a legislative council, the territory of Indiana was divided, in order to establish the territory of Michigan, which was separated from the Indiana territory, from and after the 30th of June, 1805. The Michigan territory was formed, in the words of the act of congress, out of “all that part of the Indiana territory which lies north of a line drawn east from the southerly bend or extreme of lake Michigan, until it shall intersect lake Erie, and east of a line drawn from the said southerly bend through the middle of said lake to its northern ex-

* Dawson's Life of Harrison, p. 71.

tremity, and thence due north, to the northern boundary of the United States."

The first general assembly or legislature, of the Indiana territory, met at Vincennes, on the 29th of July, 1805, in pursuance of a proclamation which was issued by Governor Harrison, on the 7th of June. The members of the house of representatives were, Jesse B. Thomas, of Dearborn county; Davis Floyd, of Clark county; Benjamin Parke and John Johnson, of Knox county; Shadrach Bond and William Biggs, of St. Clair county; and George Fisher, of Randolph county. On the 30th of July, the governor delivered his first message to "the legislative council and house of representatives of the Indiana territory." In this message, Governor Harrison congratulated the members of the general assembly "upon entering on a grade of government which gave to the people the important right of legislating for themselves." He recommended the passage of laws—1st, to prevent the sale of intoxicating liquors to Indians:—2dly, to establish a better system of courts for the administration of justice:—3dly, to provide for the improvement of the militia system of the territory:—4thly, to provide for the punishment of horse stealing:—and 5thly, to provide ways and means for raising a revenue.

In that part of the message which related to the prevailing vice of drunkenness among the Indians, Governor Harrison said—"The interests of your constituents, the interests of the miserable Indians, and your own feelings, will sufficiently urge you to take it into your most serious consideration, and provide the remedy which is to save thousands of our fellow-creatures. You are witnesses to the abuses; you have seen our towns crowded with furious and drunken savages; our streets flowing with their blood; their arms and clothing bartered for the liquor that destroys them; and their miserable women and children enduring all the extremities of cold and hunger. So destructive has the progress of intemperance been among them, that whole villages have been swept away. A miserable remnant is all that remains to mark the names and situation of many numerous and warlike tribes. In the energetic language of one of their orators, it is a dreadful conflagration, which spreads misery and desolation through the country, and threatens the annihilation of the whole race."

In calling the attention of the legislature to the consideration of the expediency of reorganizing the inferior courts of justice, the governor said:—"As the judges of those courts derive little or no emolument from their commissions, in order to secure the attendance of a sufficient number for the business, I have been obliged to multiply them to an extent which precludes all hope of a uniformity of decision. It is, indeed, not unfrequent that the judges who determine the question are not those who have presided at its discussion. Limited as our means certainly are, and cautious as we must be of drawing from the people a single cent that can be dispensed with, it is indispensably necessary that an evil should be corrected which strikes at the root of one of the first objects of civil society."

On the question of providing ways and means to raise a revenue, the governor said—"The most difficult and delicate of your duties, gentlemen, will be to create a revenue which shall be adequate to the expense of the government, without imposing too great a burden upon your constituents, and to appropriate, with the strictest frugality and economy, the sums which must be chiefly drawn from industry and improvement. Few, indeed, are the objects of taxation in a newly settled country. In the commencement of our financial operations, some trifling embarrassments must be expected: however, I trust they will be of momentary continuance."

According to the provisions of the ordinance of congress, of July 13, 1787, the legislative council and house of representatives of the Indiana territory were invested with authority to elect, by joint ballot, a delegate to congress; and in the discharge of this duty the legislature elected Benjamin Parke, a native of New Jersey, who emigrated from that State to the territory of Indiana in 1801.

CHAPTER XXXII.

INDIAN TREATIES—TERRITORIAL LEGISLATION.

By certain laws and regulations of the government of the United States, Governor Harrison was authorised and instructed to promote peace and harmony among the different tribes of northwestern Indians, and to induce them, if possible, to abandon their modes of living, and to engage in the practice of agriculture, and other pursuits of civilized life. He was, also, invested with general powers which authorised him to negotiate treaties between the United States and the several Indian tribes of the Indiana territory; and to extinguish, by such treaties, the Indian title to lands within the boundaries of the territory. By an active exercise of these powers, between the beginning of the year 1802 and the close of the year 1805, Governor Harrison, under the stipulations of various treaties, extinguished the Indian title to several very large districts of country lying within the boundaries of the Indiana territory.

First: At a conference held at Vincennes, on the 17th day of September, 1802, certain chiefs and head men of the Pottawattamie, Eel River, Piankeshaw, Wea, Kaskaskia, and Kickapoo tribes, nominated and appointed the Miami chiefs, Little Turtle and Richardville, and the Pottawattamie chiefs, Winamac and To-pin-e-pik, to settle the terms of a treaty for the extinguishment of Indian claims to certain lands on the borders of the river Wabash, in the vicinity of Vincennes.

Secondly: At a treaty held at Fort Wayne, on the 7th of June, 1803, certain chiefs and head men of the Delaware, Shawanee, Pottawattamie, Eel River, Kickapoo, Piankeshaw and Kaskaskia tribes, ceded to the United States about one million six hundred thousand acres of land.

Thirdly: By the provisions of a treaty concluded at Vincennes, on the 13th of August, 1803, certain chiefs and warriors of the Kaskaskia tribe ceded to the United States about eight millions six hundred thousand acres of land, lying on the borders of the Mississippi and Illinois rivers.

Fourthly: At a treaty concluded at Vincennes, on the 18th of August, 1804, the chiefs and head men of the Delaware tribe ceded, to the United States, their claim to the tract of country lying between the Wabash and Ohio rivers, and south of the road which led from Vincennes to the Falls of the Ohio. The Piankeshaws relinquished their claims to the same territory, by a treaty concluded at Vincennes, on the 27th of August, 1804.

Fifthly: By the articles of a treaty made at St. Louis, on the 3d of November, 1804, the chiefs and head men of the united Sac and Fox tribes, ceded to the United States about fourteen million acres of land, lying principally on the eastern side of the river Mississippi, and between the Illinois and Wisconsin rivers. Of this large cession, the United States, in 1816, relinquished to the Indians about five million acres.

Sixthly: On the 21st of August, 1805, at a treaty which was concluded at a place called Grouseland, near Vincennes, certain chiefs and head men of the Delaware, Pottawattamie, Miami, Eel River, and Wea tribes, ceded to the United States the Indian territory lying southeast of a line running northeasterly from a point about fifty-seven miles due east from Vincennes, so as to strike the general boundary line (running from a point opposite to the mouth of the Kentucky River to Fort Recovery) at the distance of fifty miles from its commencement on the Ohio river.

Seventhly: At a treaty which was concluded at Vincennes, on the 30th of December, 1805, the chiefs and head men of the Piankeshaw tribe ceded to the United States about two million six hundred thousand acres of land lying west of the Wabash river.

According to the conditions of these treaties, which were negotiated by Governor Harrison, and the chiefs and head men of different northwestern Indian tribes, the government of the United States, at the close of the year 1805, had acquired from these tribes about forty-six thousand square miles of territory; and the Indians had relinquished all their claims to lands lying on the borders of the river Ohio, between the mouth of the river Wabash and the western boundary of the State of Ohio.

From the period of the organization of the territorial general assembly, in 1805, to the time of the second division of

the Indiana territory, in 1809, the messages which were annually addressed to the Legislature, by Governor Harrison, contained full and clear statements of the condition of the public affairs of the territory. Among the subjects to which the governor frequently called the attention of the legislature, were, the defects of the judiciary system, the imperfections of the militia laws, the want of schools in the territory, the inadequacy of the laws for the suppression of drunkenness and gambling, and the insufficiency of the laws for the collection of taxes. Governor Harrison was an advocate of peace, and a friend to the progress of the peaceful pursuits of civilized life; but he seemed to regard instruction in the art of war as an indispensable requisite in the education of the youth of the territory. In a letter, written at Vincennes, on the 10th of March, 1809, and addressed to Governor Scott, of Kentucky, he said—"I have recommended camps of discipline, for instructing those who are already capable of bearing arms; but the career of military instruction for our youth should commence as soon as their mental and bodily powers have acquired sufficient strength. Professorships of tactics should be established in all our seminaries; and even the amusements of the children should resemble the Gymnasia of the Greeks, that they may grow up in the practice of those exercises which will enable them to bear with the duties of the camp, and the labors of the field."

After the organization of the second grade of government, by the creating of a General Assembly, the levying of taxes caused considerable dissatisfaction among some of the inhabitants of the territory, to whom the poll-tax was especially objectionable. At a public meeting which was held at Vincennes, on Sunday, August 16, 1807, a number of the French residents "resolved" that they would "withdraw their confidence and support, for ever, from those men who advocated, or in any manner promoted, the second grade of government."

Many of the general laws which had been adopted and published by Governor St. Clair and the judges of the territory of the United States northwest of the river Ohio, and some of those statutes which had been adopted and published by Governor Harrison, and the territorial judges, were revised and reenacted by the general assembly of the territory of Indiana.

In 1807, Messrs. Stout and Smoot, "printers to the territory," published at Vincennes, by authority of the legislature, a collection of revised statutes, in a volume which bears the following title:—"Laws of the Indiana Territory, comprising those acts formerly in force, and as revised by Messrs. John Rice Jones and John Johnson, and passed (after amendments) by the legislature; and the original acts passed at the first session of the second general assembly of the said territory—begun and held at the borough of Vincennes, on the 16th day of August, A.D. 1807."* These old statutes relate, principally, to the organization of superior and inferior courts of justice;—to the appointments and duties of territorial and county offices—to prisons and prison bounds—to real estate—interest on money, marriages, divorces, licenses, ferries, gristmills, elections, punishment of crimes and misdemeanors, militia, roads and highways, estrays, trespassing animals, inclosure and cultivation of common fields, relief of the poor, taverns, improving the breed of horses, taxes and revenues, negroes and mulattoes under indentures as servants, fees of officers, sale of intoxicating liquors, relief of persons imprisoned for debt, killing wolves, prohibiting the sale of arms and ammunition to Indians and certain other persons,—the standard of weights and measures, vagrants, authorizing aliens to purchase and hold real estate in the territory—the incorporation of a university, the Vincennes library, the borough of Vincennes, the town of Jeffersonville, the Wabash Baptist Church, etc.

By the provisions of the territorial code of 1807, the crimes of treason, murder, arson, and horse-stealing, were each punishable by death. The crime of manslaughter was punishable according to the common law. The crimes of burglary and robbery, were each punishable by whipping, fine, and, in some cases, by imprisonment not exceeding forty years. Riotous persons were punishable by fine and imprisonment. The crime of larceny was punishable by fine, or whipping, and, in certain cases, by being bound to labor for a term not exceeding seven years. Forgery was punishable by fine, disfranchisement, and standing in the pillory. Assault and battery, as a crime, was punishable by fine, not exceeding one hundred dollars. Hog-

* The paper on which this code was printed was carried on horseback from Georgetown, Ky.

stealing was punishable by fine and whipping. Gambling, profane swearing, and Sabbath-breaking, were each punishable by fine. Bigamy was punishable by fine, whipping, and disfranchisement. The law provided for the punishment of disobedient children and servants, by the following section:—

“If any children or servants shall, contrary to the obedience due to their parents or masters, resist or refuse to obey their lawful commands, upon complaint thereof to a justice of the peace, it shall be lawful for such justice to send him or them so offending, to the jail or house of correction, there to remain until he or they *shall humble themselves* to the said parent's or master's satisfaction. And, if any child or servant shall, contrary to his bounden duty, presume to assault or strike his parent or master, upon complaint and conviction thereof, before two or more justices of the peace, the offender shall be whipped not exceeding ten stripes.”

Certain portions of the common law of England were declared, by the revised code of 1807, to be in force in the Indiana territory. These portions of the common law were designated in an act which was comprised in the following words:—“An act declaring what laws shall be in force” [in the Indiana territory.] “The common law of England, all statutes or acts of the British parliament made in aid of the common law, prior to the 4th year of the reign of King James the First (excepting the 2d section of the 6th chapter of 43d Elizabeth, the 8th chapter, 13th Elizabeth, and the 9th chapter, 37th Henry VIII.) and which are of a general nature, not local to that kingdom—and also the several laws in force in this territory—shall be the rule of decision, and shall be considered as of full force until repealed by legislative authority.”

Three landoffices, for the disposal of the public lands, were established within the boundaries of the Indiana territory, by an act of congress, approved on the 26th of March, 1804. One of these offices was established at Detroit, in Wayne county, for the sale of the lands lying north of the State of Ohio, to which the Indiana title had been extinguished. Another was established at Vincennes, in Knox county, for the sale of the lands to which the Indian title had been extinguished, and which were included within the boundaries fixed by the treaty concluded with the Indians at Fort Wayne, on the 7th of June,

1803. At this office John Badollet was the first register, and Nathaniel Ewing, the first receiver. The third landoffice was established at Kaskaskia, in Randolph county, for the sale of such of the lands included within the boundaries fixed by the treaty of the 13th of August, 1803, (with the Kaskaskia tribe of Indians,) as were not claimed by any other Indian tribe. A fourth office, for the sale of public lands in the Indiana territory, was established at Jeffersonville, in Clark county, by an act of congress, approved on the 3d of March, 1807. The town of Jeffersonville was laid out, at the falls of the river Ohio, in 1802, according to a plan which was proposed by Mr. Jefferson, who was then President of the United States.

CHAPTER XXXIII.

INDIAN AFFAIRS—TECUMSEH AND THE PROPHET.

IN a message which was delivered before the territorial legislature of Indiana, in 1806, Governor Harrison stated that he had received from all the Indian tribes, under his superintendence, "the most solemn assurances of a disposition, on their part, to preserve inviolate their relations of amity with the United States." The same message contains the following passages in relation to the condition of Indian affairs at that period:

"They [the Indians] will never have recourse to arms—I speak of those in our immediate neighborhood—unless driven to it by a series of injustice and oppression. Of this they already begin to complain; and I am sorry to say that their complaints are far from being groundless. It is true that the general government has passed laws for fulfilling, not only the stipulations contained in our treaty, but also those sublimer duties which a just sense of our prosperity and their wretchedness seem to impose. The laws of the territory provide, also, the same punishment for offenses committed against Indians

as against white men. Experience, however, shows that there is a wide difference in the execution of those laws. The Indian always suffers, and the white man never. This partiality has not escaped their penetration, and has afforded them an opportunity of making the proudest comparisons between their own observance of treaties and that of their boasted superiors. If, in your review of our penal code, gentlemen, any regulation should suggest itself which would promise more impartiality in the execution of the laws in favor of those unhappy people, the adoption of it will be highly acceptable to the government of the United States and honorable to yourselves. But should you suppose it dangerous to make any discrimination in their favor, I pray you to lose no opportunity of inculcating, among your constituents, an abhorrence of that unchristian and detestable doctrine which would make a distinction of guilt between the murder of a white man and an Indian."

The principal matters of which the Indians complained, in their interviews with Governor Harrison between the years 1805 and 1810, were the encroachments of the white people upon the lands which belonged to the Indians, the invasion of their hunting-grounds, and the unjustifiable killing of some of their people.* These complaints were not groundless; but neither the laws of the United States nor those of the Indiana territory were sufficiently strong to prevent the evil conduct of a few bad white men.

In the early part of the year 1805, the Shawanee warrior, Te-cum-seh, and his brother, Law-le-was-i-kaw, (which signifies the loud voice,) resided at one of the Delaware villages which stood on the borders of the west fork of White river, within the present boundaries of Delaware county. Some time in the course of the year 1805, Law-le-was-i-kaw took upon himself the character of a prophet, and assumed the name of Pems-

* "You call us your children," said an old chief to me—"Why do you not make us as happy as our fathers, the French, did? They never took from us our lands: indeed, they were in common between us. They planted where they pleased; and they cut wood where they pleased; and so did we. But, now, if a poor Indian attempts to take a little bark from a tree to cover him from the rain, up comes a white man and threatens to shoot him, claiming the tree as his own."—[LETTER FROM GOVERNOR HARRISON TO THE SECRETARY OF WAR.]

quat-a-wah, which, in the dialect of the Shawanees, signifies the open door. He began to declaim against witchcraft, the use of intoxicating liquors, the custom of Indian women intermarrying with white men, the dress and habits of the white people, and the practice of selling Indian lands to the United States. He told the Indians that the commands of the Great Spirit required them to punish, with death, those who practiced the arts of witchcraft and magic. He told them, also, that the Great Spirit had given him power to find out and expose such persons—to cure all kinds of diseases—to confound his enemies—and to “stay the arm of death in sickness, and on the battlefield.”* His harangues aroused, among some bands of Indians, a high degree of superstitious excitement. An old Delaware chief, whose name was Tate-e-bock-o-she, through whose influence a treaty had been made with the Delawares in 1804, was accused of withcraft, tried, condemned, and tomahawked. His body was then consumed by fire.† The wife of the old chief, his nephew, who was known by the name of Billy Patterson, and an aged Indian, whose name was Joshua, were then accused of witchcraft, and condemned to death. The two men were burnt at the stake; but the life of the wife of Tate-e-bock-o-she was saved by her brother, who suddenly approached her, took her by the hand, and, without meeting with any opposition from the Indians who were present, led her out of the council-house. He then immediately returned, and checked the growing influence of the prophet by exclaiming, in a strong, earnest voice: “The evil spirit has come among us, and we are killing each other.”

When Governor Harrison, early in 1806, received information of these events, he sent to the Delaware towns, on White river, a special messenger with a speech, in which the Indians were strongly entreated to renounce their delusions in relation to witchcraft, and to reject the counsels of the prophet. The following passages are copied from this speech:

“My children,—My heart is filled with grief, and my eyes are dissolved in tears at the news which has reached me. You

* Drake's Life of Tecumseh, p. 88.

† Tate-e-bock-o-she was burned at the Indian village which stood at the site of Yerktown, in Delaware county.

have been celebrated for your wisdom above all the tribes of red people who inhabit this great island. Your fame as warriors has extended to the remotest nations, and the wisdom of your chiefs has gained for you the appellation of grandfathers from all the neighboring tribes. * * * * My children,—Tread back the steps you have taken, and endeavor to regain the straight road which you have abandoned. The dark, crooked, and thorny one which you are now pursuing will certainly lead to endless woe and misery. But who is this pretended prophet who dares to speak in the name of the Great Creator? Examine him. Is he more wise or virtuous than you are yourselves, that he should be selected to convey to you the orders of your God? Demand of him some proofs, at least, of his being the messenger of the Deity. If God has really employed him, he has doubtless authorized him to perform some miracles, that he may be known and received as a prophet. If he is really a prophet, ask of him to cause the sun to stand still, the moon to alter its course, the rivers to cease to flow, or the dead to rise from their graves. If he does these things, you may then believe that he has been sent from God. * * * My children,—Do not believe that the great and good Creator of mankind has directed you to destroy your own flesh; and do not doubt but that, if you pursue this abominable wickedness, his vengeance will overtake and crush you.”

About the close of the year 1805, or early in 1806, the prophet, and his brother, Tecumseh, accompanied by a small band of Shawanees, removed, from the Delaware towns on White river, to Greenville, in the State of Ohio. Drawing around him a considerable number of followers, the prophet continued to reside in the vicinity of this place until the opening of the spring of 1808, when having, by his artful policy, aroused the suspicions of some of the officers of the Indian department, and the fears of many of the pioneer settlers of Ohio, he removed from Greenville, and, by the permission of the Pottawattamies and Kickapoos, settled on the banks of the Wabash, near the mouth of the Tippecanoe river, at a place which afterward bore the name of the Prophet's Town. In the month of June, 1808, the number of the prophet's followers, at this new settlement, amounted to about one hundred and forty persons, of whom about forty were Shawanees.

While the fame and the influence of the Shawanee prophet were increasing among some of the tribes of northwestern Indiana, Tecumseh was actively engaged in making efforts to form these various tribes into one great confederacy. In the speeches which were delivered by him, at the Indian councils, he proclaimed that the treaties by which the United States had acquired lands northwest of the river Ohio, were not made with fairness, and were void; that no single tribe of Indians were invested with the right to sell lands without the consent of all the other tribes; and that he and his brother, the prophet, would oppose and resist any further attempts which the white people might make to extend their settlements over the lands which belonged to the Indians; but it does not appear that he expressed a desire to engage in a war against the United States.

Early in the year 1808, Governor Harrison addressed a speech to "the chiefs and head men of the Shawanee tribe of Indians." This speech, which was delivered by the messenger, John Connor, before an assemblage of Shawanee Indians, and in the presence of the prophet, contained the following passage: "My children—this business must be stopped. I will no longer suffer it. You have called a number of men from the most distant tribes to listen to a fool, who speaks not the word of the Great Spirit, but those of the devil, and of the British agents. My children, your conduct has much alarmed the white settlers near you. They desire that you will send away those people; and if they wish to have the impostor with them, they can carry him. Let him go to the lakes; he can hear the British more distinctly."

After the delivery of Governor Harrison's message to the Shawanees, the prophet requested Connor to commit to writing the following reply to the governor: "Father—I am very sorry that you listen to the advice of bad birds. You have impeached me with having correspondence with the British, and with calling and sending for the Indians from the most distant parts of the country, to listen to a fool, that speaks not the words of the Great Spirit, but the words of the devil. Father, those impeachments I deny, and say they are not true. I never had a word with the British, and I never sent for any Indians. They came here themselves, to listen, and hear the words of the Great Spirit."

In the latter part of June, 1808, a small deputation of Indians arrived at Vincennes, bearing a message from the prophet to Governor Harrison. In this message the prophet assured the governor that the Indians who had settled at the Prophet's Town, wished to live in peace with the white people. The bearer of the prophet's speech, in a conference with Governor Harrison, said—"I have now listened to that man [the prophet] upward of three years, and have never heard him give any but good advice. He tells us that we must pray to the Great Spirit, who made the world and every thing in it, for our use. He tells us that no *man* could make the plants, the trees, and the animals; but that they must be made by the Great Spirit, to whom we ought to pray, and obey in all things. He tells us not to lie, to steal, nor to drink whisky; not to go to war; but to live in peace with all mankind. He tells us, also, to work, and make corn."

In the month of August, 1808, the prophet visited Vincennes, and remained at that place for the space of two weeks, for the purpose of holding interviews with Governor Harrison. In the course of a speech that was addressed to the governor, at one of these interviews, the prophet said:

"Father: It is three years since I first began with that system of religion which I now practice. The white people and some of the Indians were against me; but I had no other intention but to introduce, among the Indians, those good principles of religion which the white people profess. The Great Spirit told me to tell the Indians that he had made them, and made the world; that he had placed them on it to do good, and not evil. I told all the red skins that the way they were in was not good, and that they ought to abandon it; that we ought to consider ourselves as one man; but we ought to live agreeable to our several customs—the red people after their mode, and the white people after theirs—particularly that they should not drink whisky; that it was not made for them, but the white people, who alone know how to use it; and that it is the cause of all the mischiefs which the Indians suffer; that we must always follow the directions of the Great Spirit, and we must listen to Him, as it was He that made us. Determine to listen to nothing that is bad. Do not take up the tomahawk, should it be offered by the British, or

by the Long Knives. Do not meddle with any thing that does not belong to you; but mind your own business, and cultivate the ground, that your women and children may have enough to live on. My Father—I have informed you what we mean to do; and I call the Great Spirit to witness the truth of my declaration. The religion which I have established, for the last three years, has been attended to by the different tribes of Indians in this part of the world. The Indians were once different people; they are now but one. They are all determined to practice what I have recommended to them, that has come immediately from the Great Spirit, through me. * * * * Formerly, when we lived in ignorance we were foolish; but now, since we listen to the Great Spirit, we are happy. I have listened to what you have said to us. You have promised to assist us. I now request you, in behalf of all the red people, to use your exertions to prevent the sale of liquor to us. We are all well pleased to hear you say that you will endeavor to promote our happiness."

It seems that the interviews which took place, at this time, between Governor Harrison and the prophet, had a tendency to subdue, in the mind of the former, some strong suspicions of the honesty and good faith of the latter. These suspicions had their foundations, mainly, in "the reports of many, both white people and Indians,"* who denounced the prophet and his followers as enemies of the United States, and as adherents and instruments of the British authorities of Canada. The professions of the prophet, and the temperate conduct of the small number of his followers who attended him on his visit to Vincennes, induced the governor to doubt, for a while, the truth of these reports. But, after the lapse of a brief period, the information which he received, from various sources, in relation to the proceedings of the Indians at the Prophet's Town, impelled him to regard the prophet and Tecumseh as very dangerous persons, who, having received some encouragement from certain subordinate officers in the British Indian department, were endeavoring to form a strong confederacy of Indian tribes, which, on the breaking out of a war between

* Dawson's Life of Harrison, p. 109.

the United States and Great Britain, would become the allies of the latter nation.

The prophet, with about forty of his followers, visited Vincennes, in the summer of the year 1809, and, in the course of a conference with Governor Harrison, declared that he had, in the preceding fall, received and rejected an invitation from the British, to engage in a war against the United States—that he had taken no part in any attempt to organize an Indian force, for the purpose of making an attack on the frontier settlements of the Indiana territory; and, that he had prevailed upon some of the northwestern tribes to abandon their hostility to the United States.

The interviews which took place between Governor Harrison and the Shawanee prophet, did not satisfy the former of the sincerity of the prophet, nor of the pacific views of those Indians over whom he exercised a controlling influence. It seems, indeed, that the governor, at this time, regarded the bands of Indians at the Prophet's Town as a "combination" which was "produced by British intrigue and influence, in anticipation of a war between them and the United States."*

Acting in accordance with his own strongly marked policy, and in conformity with the instructions of the President of the United States, Governor Harrison continued his efforts to extinguish, by treaties, the Indian claims to lands lying within the boundaries of the Indiana territory. At Fort Wayne, on the 30th of September, 1809, he concluded a treaty with the chiefs and head men of the Delaware, Pottawattamie, Miami, and Eel river tribes. By the stipulations of this treaty, the Indians sold and ceded to the United States about two million nine hundred thousand acres† of land, lying, principally, on the southeastern side of the river Wabash, and below the mouth of Raccoon creek—a stream that enters the Wabash within the present boundaries of Parke county. The chiefs and head men of the Wea tribe met Governor Harrison, in council, at Vincennes, on the 26th of October, 1809, and agreed

* Letter from Governor Harrison to the Secretary of War, dated "Vincennes, July 5, 1809."

† Laws, etc., relating to the Public Lands, compiled by authority of Congress, edition 1828, p. 1057.

to acknowledge the validity of the treaty of Fort Wayne. By the terms of a treaty, negotiated at Vincennes, on the 9th of December, 1809, between Governor Harrison and several of the sachems and war-chiefs of the Kickapoo tribe, the treaty of Fort Wayne was confirmed; and the Kickapoos ceded to the United States about one hundred and thirteen thousand acres of land. At this period the total quantity of land ceded to the United States, under treaties which were concluded between Governor Harrison and various Indian tribes, amounted to about 29,719,530 acres.

The prophet, and his brother, Tecumseh, steadily maintained and expressed their opposition to the making of treaties for the disposal of Indian lands; and, in speaking to Governor Harrison, at Vincennes, in August, 1810, Tecumseh clearly intimated that he would resist any attempt that might be made to survey the lands which had been ceded to the United States by the treaty of Fort Wayne.

Among a certain class of persons who were suspected, by Governor Harrison, of giving counsel and encouragement to the prophet and Tecumseh, there were some petty officers in the British Indian department, and a very small number of land speculators who resided in the Indiana territory, and whose opposition to the treaty-making policy of the governor was active and uncompromising.

Between the summer of 1805 and the spring of 1807, the efforts which were made, in the Ohio Valley, by Aaron Burr, to organize an expedition, to be employed in some secret enterprise, created considerable excitement among the people of the Indiana territory. Jeffersonville, Vincennes, and Kaskaskia, were visited by Colonel Burr, who induced a few of the inhabitants of the territory to enroll their names on the list of his followers. The nature and extent of the designs of Burr have never been clearly exposed; but it is probable that they embraced, first, an invasion of the Mexican territory, and ultimately the founding of an independent republic composed of States lying west of the Allegheny mountains. In a letter written by Waller Taylor to Governor Harrison, and dated "Louisville, January 12, 1807," the writer says: "I arrived at Jeffersonville on Saturday morning last, after an extremely disagreeable journey, occasioned by the badness of the roads,

and the difficulty of making our stages of a night. The public mind at this place appears to be much agitated, on account of Colonel Burr's mysterious movements. Conjectures are various about his intentions; but nothing certain has transpired to throw any light on his views. There is stationed at this place about two hundred militia, who examine all boats that descend the river. No discoveries have yet been made by them; and only two boats have yet been detained, which were built by Burr's direction at Jeffersonville, or this place, I am not certain which. A large drove of horses, said to be purchased for the expedition, will be seized to-day, by the civil authority of the State. It seems to me that the precautions now taken are perfectly useless; because Burr, I believe, has got all the force he could raise from this State, and is, probably, before this time, at Natchez."

Early in the year 1807, Burr was arrested in the Mississippi territory, by the authority of a proclamation issued by the President of the United States. Before his arrest, however, his expedition was abandoned, and his followers dispersed.

CHAPTER XXXIV.

LAND CLAIMS—FRAUDS—TERRITORIAL LEGISLATURE.

THE various questionable grounds on which lands were claimed by different inhabitants of the Indiana territory, induced congress, in 1804, to establish a board of commissioners, who were authorized to inquire into the validity of certain claims, to decide thereon, according to justice and equity, and to report their decisions to congress. Within the districts of Vincennes and Kaskaskia, some of the settlers insisted that they held their lands by virtue of grants which had been made under the authority of the government of France; others derived their titles from the court of Vincennes, which was established in 1779; and a few claims rested on Indian grants,

and on occupancy, accompanied by undisturbed possession. The more numerous class of land claimants was, however, composed of persons who set up claims under the provisions of the resolutions of congress, of June 20, 1788, and August 29, 1788, or under an act of congress, of March 3, 1791. The resolutions of 1788 made provisions for confirming, in their "possessions and titles," the French, Canadian, and other inhabitants, who were heads of families, and settlers about Vincennes and "in the Illinois country," "on or before the year 1783," and who had "professed themselves citizens of the United States, or any of them." The act of congress, of March 3, 1791, made provisions for confirming the title of each claimant of lands, not exceeding four hundred acres, at Vincennes, or "in the Illinois country," in all cases where such lands were held, improved, and cultivated, "under a supposed grant of the same, by any commandant or court claiming authority to make such grant;" and, by the sixth section of the act, the governor of the territory was authorized to grant a quantity of land, not exceeding one hundred acres, to each person who had not obtained any grant of land from the United States, and who, on the 1st of August, 1790, was enrolled in the militia at Vincennes, or "in the Illinois country," and had performed militia duty.

With a view to carry the provisions of these laws into effect, Governor St. Clair proceeded to make grants of land, and to confirm the titles of settlers, at Vincennes and in the Illinois country, until the time of the division of the northwestern territory, in 1800, when the authority to make such grants and confirmations was vested in the governor of the Indiana territory, who continued to exercise the power until it was transferred, by an act of congress, of March 26, 1804, to the registers and receivers of the landoffices at Vincennes, Kaskaskia, and Detroit, who were formed into three boards of commissioners, for the examination of claims and titles to lands lying within their several respective districts.

Before the close of the year 1810, these boards of commissioners, severally, examined and confirmed a great number of valid and just titles and claims, and rejected a very numerous class of claims, of which some were illegal, and many were fraudulent. While the fraudulent claims were very numerous,

the number of the fraudulent claimants was not great; because some single individual, as assignee or otherwise, was, in several instances, a claimant of many tracts of land. In 1810, the board of commissioners for the district of Kaskaskia, made an official report, in which about eight hundred and ninety claims, in that district, were declared to be either fraudulent or worthless; and, it seems, from the report of the commissioners, that of this number of fraudulent and worthless claims, about three hundred and seventy were supported by perjury, committed by a few persons of bad repute. A certain adventurer, "without property, and fond of liquor," after having made about two hundred depositions in favor of a small number of land claimants, was induced, "either by compensation, by fear, or by the impossibility of obtaining absolution on any other terms," to declare, on his oath, before one of the judges of court, and in the presence of the commissioners at Kaskaskia, on the 14th of February, 1807, that "the said depositions were false: and that, in giving them, he had a regard to something beyond the truth."* In closing their report, the commissioners say: "We close this melancholy picture of human depravity, by rendering our devout acknowledgment that, in the awful alternative in which we have been placed, of either admitting perjured testimony in support of the claims before us, or having it turned against our characters and lives, it has, as yet, pleased that Divine Providence, which rules over the affairs of men, to preserve us both from legal murder and private assassination."

In the districts of Kaskaskia and Vincennes many of the inhabitants, who had received donations of land from the United States government, sold their lands to speculators, at the rate of about thirty cents per acre; and, in many instances, received their payments in various kinds of unprofitable merchandise.

It seems that, as early as 1760, the Vincennes "common," a tract of land containing about five thousand four hundred acres, was inclosed by a fence, which was intended to confine cattle within its boundaries; for, contrary to the general usage of the farmers of the United States, the inhabitants of Vincennes confined their cattle within a "common field," and left

* Official Report of Commissioners.

their small cultivated fields without inclosures. By one of the provisions of an act of congress, of March 3, 1791, the inhabitants of Vincennes were authorized to use the large "common" until otherwise disposed of by law; and, by an act of the 20th of April, 1818, the trustees of the town of Vincennes were invested with authority to divide the "common" into lots—to sell such lots—to apply the proceeds of the sales, as far as necessary, to the draining of a pond in the vicinity of the town, and to pay the residue of the proceeds to the trustees of the Vincennes university.

The question of a division of the Indiana territory, into two parts, was pressed upon the attention of congress by legislative memorials and by petitions, in the years 1806, 1807, and 1808. The principal reasons which were assigned in favor of such a division, were based upon the "wide extent of wilderness country" which separated the civilized population of the territory—the dangers and the expenses which were imposed upon parties and witnesses who were compelled to attend the superior courts of the territory—and the difficulties which prevented or obstructed the administration of the laws at settlements remote from the seat of government. The subject was disposed of by an act of congress, of the 3d of February, 1809, which declared that, from and after the first day of March, 1809, all that part of the Indiana territory lying "west of the Wabash river, and a direct line drawn from the said Wabash river and Post Vincennes, due north, to the territorial line between the United States and Canada," should constitute a separate territory, and be called Illinois. In 1808 the white population of the Indiana territory amounted to about twenty-eight thousand; of which number of inhabitants about eleven thousand lived in that part of the territory that was situate westward of the river Wabash.

The territorial legislature of 1808 elected the speaker of their house of representatives—Jesse B. Thomas—to the office of delegate in congress, to fill the vacancy occasioned by the resignation of Benjamin Parke, who was appointed to a seat on the supreme judiciary bench of the territory.

The difficulties which attended the organization of the first territorial legislature, after the division of the Indiana territory, in 1809, are mentioned in a petition that was prepared

by the general assembly of the territory, on the 21st of October, 1809, and laid before congress on the 28th of November, in the same year. This petition contains the statements which here follow: "Your petitioners state that, in the year 1805, there was a legislature organized under" a "law, dividing the territory northwest of the river Ohio; that, on the 26th day of October, 1808, the governor dissolved the said legislature. On the 3d of February, 1809, the law of congress passed, dividing the Indiana territory; and that, on the 4th day of April, 1809, the governor of the territory issued his proclamation for the election of the additional members of the house of representatives. Also, on the 27th of February, 1809, the law passed, extending the right of suffrage to the citizens of Indiana, and declaring how the legislature shall be formed after the passage of the said law; that is, the general assembly should apportion the members to the house of representatives, to consist of not less than nine nor more than twelve. This law was evidently predicated upon the principle that a legislature was in existence at the time of its passage, or that a legislature might be convened under the authority of the governor's proclamation; but the fact was different, for the old legislature was doubly dissolved, (if this expression may be allowed:) first, by the governor, as above stated; secondly, by the division of the territory, which struck off three members of the house of representatives, and two of the legislative council. Thus, there was no legislature in being to make the apportionment agreeably to the said act of congress. Now, the principal doubt that exists in the minds of your petitioners is, how the old legislature [is] to be brought into being, so as to organize the new legislature under the act of congress, as above stated. On the first Monday of April, 1809, the governor, by his proclamation, directed an election to be held for members to the house of representatives, at which election there were four members elected—to-wit: two in the county of Knox; one in the county of Dearborn; and one in the county of Clark. On the 4th of April, 1809, (six days before the above law of congress arrived here,) the governor issued his writs of election, for an election to be held on the 22d of May, for five councilors and four more representatives, having himself made the apportionment. He gave an additional mem-

ber to the county of Knox; one to the county of Dearborn; one to the county of Clark; and one to the new county of Harrison—making, in the whole, only eight members in the house of representatives. Under these dubious circumstances, the governor issued his proclamation, convening, on the 16th of the present month, the members of the legislative council, elected as above stated; and the members elected as aforesaid, to serve in the house of representatives. Agreeably to the aforesaid proclamation, the legislative council and the members elected to the house of representatives convened; and the minority of the house of representatives, not conceiving themselves authorized to go on to legislative business, the legislature agreed to postpone doing any business, in a legislative capacity, except apportioning an additional member to make up the number nine, agreeably to the said act of congress, extending the right of suffrage to the citizens of this territory. From this view of the subject, your petitioners humbly pray, that a law may be passed legalizing the above apportionment; so that a legislature may be organized under the present law of congress, extending the right of suffrage to Indiana, so soon as the governor of this territory may be officially informed of the same. Or, if congress doubt of their authority to legalize the above proceedings, upon the ground of the laws having an *ex post facto* operation, then to pass a law authorizing, expressly, the governor to organize a legislature upon any plan which, to them, may seem proper.”

On the 21st of October, 1809, the territorial legislature of Indiana was, at the request of the two houses, dissolved by the act of Governor Harrison. In a message which was, on this occasion, addressed to the legislative council and to the house of representatives, the governor said—“I have considered your request for a dissolution of the present legislature with all the attention the importance of the subject demands, and the shortness of the time allowed to form an opinion would permit. It has ever been my wish to assimilate, as far as possible, the government of the territory to those which prevail in the States—to conceal those rougher features of our constitution which are so justly offensive to republican delicacy, and which nothing but the infancy of our political state renders tolerable. Of this description is the power given to the governor to pro-

rogue and dissolve the legislature, at pleasure. An application of the people themselves, or their representatives, forms one of the few occasions on which I would consent to use this power; and, although the propriety of the measure at this time is not altogether apparent to my mind, yet, in compliance with your wishes, I have thought proper to determine, and do now declare that this present legislature is, from this moment, dissolved, and the powers delegated to it by the people again revert to them."

The members of the legislative council, thus dissolved, were, Solomon Manwaring, of Dearborn county; Thomas Downs, of Clark county; Harvy Heth, of Harrison county; and William Prince and Luke Decker, of Knox county. The members of the house of representatives were, Richard Rue and Ephraim Overman, of Dearborn county; James Beggs and John Work, of Clark county; Moses Hoggat, of Harrison county; and Genl. W. Johnston, John Johnson, and John Hadden, of Knox county.*

On the 22d of May, 1809, an election for a delegate to Congress, was held in the territory of Indiana, in which, at this period, the only organized counties were Knox, Harrison, Clark, and Dearborn. At this election, Jonathan Jennings, a native of Pennsylvania, received 428 votes, and Thomas Randolph, a native of Virginia, received 402 votes. In the counties of Knox and Harrison, Mr. Randolph received 314 votes, and Mr. Jennings received 66 votes. In the counties of Clark and Dearborn, Mr. Jennings, who was opposed to the institution of domestic slavery, received 362 votes, and Mr. Randolph received 88 votes. In Knox county, John Johnson received 81 votes—making the aggregate vote of the territory nine hundred and eleven.

According to the census tables of 1810, the population of the Indiana territory, in that year, amounted to 24,520; and there were, in the territory, 33 grist-mills, 14 saw-mills, 3 horse-mills, 18 tanneries, 28 distilleries, 3 powder-mills, 1,256 looms, and

* Among those who served, as legislators for the Indiana territory between the year 1805 and the close of the year 1810, were William Biggs, Shadrach Bond, John Caldwell, B. Chambers, John Harbison, John Rice Jones, William Jones, Peter Jones, John Massinger, Pierre Menard, John Paul, Dennis Pennington, John Templeton, Jesse B. Thomas, and Walter Wilson.

1,350 spinning-wheels. The value of Indiana manufactures, as reported to the United States Treasury Department, for the year 1810, was estimated as follows: Woolen, cotton, hempen and flaxen cloths, and mixtures, \$159,052.—Cotton and wool, *spun in mills*, \$150?—Nails, (20,000 pounds,) \$4,000.—Leather, tanned, \$9,300.—Products of distilleries, (35,950 gallons,) \$16,230.—Gunpowder, (3,600 pounds,) \$1,800.—Wine, from grapes, (96 barrels,) \$6,000?—Maple sugar, 50,000 pounds, manufactured—value not stated.

CHAPTER XXV.

INDIAN AFFAIRS—GOVERNOR HARRISON—THE PROPHET AND TECUMSEH.

THROUGHOUT the course of the year 1810, various rumors of the growing power and hostile intentions of the Shawanee Prophet, produced a state of some alarm among the people, and retarded the progress of settlements and improvements in the several counties of the Indiana territory. In the summer of this year, a small party of Indians stole four horses from one neighborhood, in the northern part of Knox county, and committed some depredations on the property of a few pioneers who had made a settlement on the east fork of White river.

In order to defeat the hostile designs of the prophet, to counteract the influence of British traders, and to maintain pacific relations between the United States and the Indian tribes of the west, Governor Harrison frequently sent confidential messengers to the Prophet's Town, and to the principal villages of the Miamis, Delawares, and Pottawattamies. Francis Vigo, Toussaint Dubois, Joseph Barron, Pierre Laplante, John Conner, M. Brouillette, and William Prince, were the most influential persons among those who were, at different times, sent with messages from the governor to the Miamis and Delawares; and they were authorized and instructed to

assure those tribes of the protection and friendship of the government of the United States, and to warn them of the danger of encouraging the claims and pretensions of the Shawanee prophet.

In the latter part of the month of May, 1810, a considerable number of the chiefs and head men of the Pottawattamies, Chippewas, and Ottawas, met in a council, at a place called "the Cow Pasture," on the banks of the St. Joseph of lake Michigan. By the advice of Governor Harrison, deputies from the Delawares were present at this council; and their remonstrances, supported by the influence of Win-a-mac, a distinguished Pottawattamie chief, prevented the Indians, who were assembled in council on that occasion, from placing themselves under the control of the prophet. Soon after the breaking up of the council, it was believed, by the chief Win-a-mac, and by other persons who had visited the Prophet's Town, that the number of warriors among the followers of the prophet, did not exceed six hundred and fifty; and this force was composed of restless bands of Kickapoos, Pottawattamies, Winnebagoes, Shawanees, and a few warriors from other tribes.

In the spring of the year 1810, the Indians who resided at the Prophet's Town refused to receive their proportion of "annuity salt," and the boatmen who offered to deliver the proper quantity of salt, at that place, were called "American dogs," and treated with great rudeness. About this time, Governor Harrison sent, successively, several messengers to the Prophet's Town in order to obtain exact information of the feelings and designs of the prophet, and to warn him, especially, of the danger of maintaining an attitude of hostility toward the government of the United States. In an interview with one of these messengers, who visited the Prophet's Town in the month of June, 1810, the prophet declared that it was not his intention to make war on the white people; and he said that some of the Delawares, and some other Indians, "had been bribed, with whisky, to make false charges against him." When pressed by the messenger, Mr. Dubois, to state the grounds of his complaints against the United States, the prophet said that "the Indians had been cheated out of their lands; that no sale was good unless made by all the tribes; that he had set-

tled near the mouth of the Tippecanoe, by order of the Great Spirit; and that he was, likewise, ordered to assemble as many Indians as he could collect at that place."

In the month of July, 1810, Governor Harrison sent to the prophet a letter that was intended to convince him of the folly of his hostility to the government of the United States, and to give him assurance of the disposition of the national government to promote the welfare of the Indian tribes. In this letter Governor Harrison, said to the prophet: "What reason have you to complain of the United States? Have they taken any thing from you? Have they ever violated the treaties made with the red men? You say they have purchased land from those who had no right to sell. Show the truth of this, and the land will be instantly restored. Show us the rightful owners of those lands which have been purchased. Let them present themselves. The ears of your father will be open to their complaints; and, if any lands have been purchased from those who did not own them, they will be restored to the rightful owners. I have full power to arrange this business. But if you would rather carry your complaints before your great father, the president, you shall be indulged. I will instantly take the means to send you, and three chiefs, to be chosen by you, to the city where your father lives. Every thing necessary shall be prepared for your journey, and means taken to insure your safe return."

When Mr. Barron, who was the bearer of this letter, arrived at the Prophet's Town, his reception was somewhat remarkable. He was conducted, in a ceremonious manner, to the place where the prophet, surrounded by a number of Indians of different tribes, was sitting. Here the attendants of Mr. Barron left him standing before the prophet, at the distance of ten or twelve feet from him. "He looked at me," said Barron, "for several minutes, without speaking or making any sign of recognition, although he knew me well. At last he spoke, apparently in anger. 'For what purpose do *you* come here?' said he. 'Brouillette was here: he was a spy. Dubois was here: he was a spy. Now *you* have come. You, too, are a spy. There is your grave!—look on it!' The prophet then pointed to the ground near the spot where I stood." Tecumseh, at this moment, came out from one of the Indian lodges.

He spoke to Mr. Barron in a cold, formal manner; told him that his life was in no danger, and requested him to state the object of his visit to the Prophet's Town. The contents of the letter of Governor Harrison were then communicated to the prophet. Mr. Barron received no definite answer to this letter, but he was told that Tecumseh would, in the course of a few days, visit Vincennes for the purpose of holding an interview with the governor.

On the 12th of August, 1810, Tecumseh, attended by seventy-five warriors, arrived at Vincennes. From this time until the 22d of August, Governor Harrison was almost daily engaged in the business of holding interviews and councils with this celebrated Shawanee Indian. The conduct of Tecumseh was haughty; and his speeches were bold, and, in some degree, arrogant. In one of his speeches, addressed to Governor Harrison on the 20th of August, which was taken down, by the order of the governor,* the following passages are found:

"Brother,—I wish you to listen to me well. As I think you do not clearly understand what I before said to you, I will explain it again. * * Brother,—Since the peace [of Greenville, in 1795,] was made, you† have killed some of the Shawanees, Winnebagoes, Delawares, and Miamis; and you have taken our lands from us; and I do not see how we can remain at peace with you, if you continue to do so. You try to force the red people to do some injury. It is you that are pushing them on to do mischief. You endeavor to make distinctions. You wish to prevent the Indians to do as we wish them, to unite and let them consider their lands as the common property of the whole. You take tribes aside, and advise them not to come into this measure; and, until our design is accomplished, we do not wish to accept of your invitation to go and see the presi-

* "His [Tecumseh's] speeches, the two first days, were sufficiently insolent, and his pretensions arrogant, but that of Monday I inclose to you entire, as it was taken down by a gentleman whom I employed for that purpose, and is as correct as could be expected, considering the interpreter speaks very bad English, and is not very remarkable for clearness of intellect, although faithful in the highest degree, and in knowledge of the Indian language unrivalled."—[LETTER FROM GOVERNOR HARRISON TO HON. WILLIAM EUSTIS, SECRETARY OF WAR, DATED "VINCENNES, 22D AUGUST, 1810."

† Meaning the white people of the United States.

dent. The reason, I tell you this, is, you want, by your distinctions of Indian tribes, in allotting to each a particular tract of land, to make them to war with each other. You never see an Indian come and endeavor to make the white people do so. You are continually driving the red people; when, at last, you will drive them into the great lake, where they can't either stand or work. Brother,—You ought to know what you are doing with the Indians. Perhaps it is by direction of the president to make those distinctions. It is a very bad thing; and we do not like it. Since my residence at Tippecanoe, we have endeavored to level all distinctions—to destroy village chiefs by whom all mischief is done. It is they who sell our lands to the Americans. Our object is to let our affairs be transacted by warriors.

“Brother: This land that was sold, and the goods that were given for it, was only done by a few. The treaty was afterward brought here, and the Weas were induced to give their consent, because of their small numbers. The treaty at Fort Wayne was made through the threats of Win-a-mac; but, in future, we are prepared to punish those chiefs who may come forward to propose to sell the land. If you continue to purchase of them, it will produce war among the different tribes, and, at last, I do not know what will be the consequence to the white people. Brother,—I was glad to hear your speech. You said that if we could show that the land was sold by people that had no right to sell, you would restore it. Those that did sell, did not own it. It was *me*. These tribes set up a claim; but the tribes with me will not agree to their claim. If the land is not restored to us, you will see, when we return to our homes, how it will be settled. We shall have a great council, at which all the tribes shall be present, when we shall show to those who sold, that they had no right to the claim they set up; and we will see what will be done with those chiefs that did sell the land to you. I am not alone in this determination. It is the determination of all the warriors and red people that listen to me. I now wish you to listen to me. If you do not, it will appear as if you wished me to kill all the chiefs that sold you the land. I tell you so, because I am authorized by all the tribes to do so. I am the head of them all. I am a warrior; and all the warriors will meet together

in two or three moons from this. Then I will call for those chiefs that sold you the land, and shall know what to do with them. If you do not restore the land, you will have a hand in killing them.

“Brother: Do not believe that I came here to get presents from you. If you offer us any, we will not take. By taking goods from you, you will hereafter say that with them you purchased another piece of land from us. * * * Brother: It has been the object of both myself and brother, [the prophet,] to prevent the lands being sold. Should you not return the land, it will occasion us to call a great council, that will meet at the Huron village, where the council fire has already been lighted, at which those who sold the lands shall be called, and shall suffer for their conduct.

“Brother: I wish you would take pity on the red people, and do what I have requested. If you will not give up the land, and do cross the boundary of your present settlement, it will be very hard, and produce great troubles among us. How can we have confidence in the white people! When Jesus Christ came upon the earth, you killed him, and nailed him on a cross. You thought he was dead; but you were mistaken. You have Shakers among you, and you laugh and make light of their worship. Every thing I have said to you is the truth. The Great Spirit has inspired me, and I speak nothing but the truth to you. * * * Brother: I hope you will confess that you ought not to have listened to those bad birds who bring you bad news. I have declared myself freely to you; and if any explanation [should be required] from our town, send a man who can speak to us. If you think proper to give us any presents, and we can be convinced that they are given through friendship alone, we will accept them. As we intend to hold our council at the Huron village, that is near the British, we may probably make them a visit. Should they offer us any presents of goods, we will not take them; but should they offer us powder and the tomahawk, we will take the powder and refuse the tomahawk. I wish you, brother, to consider everything I have said as true, and that it is the sentiment of all the red people that listen to me.”

Immediately after the close of the speech of Tecumseh, on the 20th of August, Governor Harrison began to reply to it.



GOV. HARRISON AND TECUMSEH IN COUNCIL AT VINCENNES.

The governor was contrasting the conduct of the United States, toward the Indians, with that of other civilized nations, and speaking of the uniform regard to justice which was observed by the government of the United States, in its transactions with the most weak and insignificant tribes, when he was suddenly interrupted by Tecumseh, who, after speaking a few words, with violent gesticulations and strong indications of anger, declared that the statements of the governor were not true; and that he and the United States had "cheated and imposed on the Indians."* "When he first rose," says Governor Harrison, "a number of his party also sprung up, armed with war clubs, tomahawks, and spears, and stood in a threatening attitude. Not [understanding] his language, I did not know what had been said, until the interpreter explained it to me. But the secretary of the territory, General Gibson, who speaks the Shawanee language, and was sitting near me, apprehending some violence, requested Lieutenant [Jesse] Jennings to make a guard of twelve men, who were at a little distance, stand to their arms. The guard was brought forward; and, as soon as his speech was interpreted to me, I reproached him for his conduct, and required him instantly to depart to his camp—declaring that I was determined to extinguish the council fire, and no longer to have any communication with him; that my answer to that part of his speech, which related to the lands lately purchased, would be communicated to the tribes which, he said, he represented, in a written message; and if he had any thing further to say to me, he must send the Huron, or some other chief to me. When the interpreter visited him in the morning, he earnestly requested me to give him another interview, and protested that he meant no harm by his conduct the day before; and that he wished every thing to be amicably settled. He also told Mr. Barron that it was probable he had been deceived by white people; that he had been informed that the citizens here were equally divided—one half on my side, and the other on his—one-half opposed to the purchase of lands from the Indians; and the other, with me, determined to drive the Indians to extremities; that he had been told that I purchased the lands against the consent of

* Dawson's Life of Harrison, p. 157.—Drake's Life of Tecumseh, p. 128.

the government, and one-half of the people who, in fact, did not want the land, as they already had more than they could [use.] This he knew to be true, *as he had sent some of his men to reconnoiter the settlements*, and he found that the lands toward the Ohio were not settled at all.”*

Governor Harrison consented to hold another interview with Tecumseh, who, when the council was opened, on the 21st of August, addressed the governor in a respectful and dignified manner, disclaimed any intention to offer an insult to him, and repeated, in substance, the views which he had expressed in the presence of the interpreter, by whom he was visited on the morning of that day. The governor then requested Tecumseh to state, plainly, whether the surveyors who might be sent to survey the lands—purchased by the treaty of Fort Wayne, in 1809—would be interrupted by the Indians; and whether the Kickapoos would, or would not, receive their annuities. Tecumseh, in reply, said: “Brother, when you speak of annuities to me, I look at the land, and pity the women and children. I am authorized to say that they will not receive them. Brother, we want to save that piece of land. We do not wish you to take it. It is small enough for our purpose. If you do take it, you must blame yourself as the cause of trouble between us and the tribes who sold it to you. I want the present boundary line to continue. Should you cross it, I assure you it will be productive of bad consequences.” The council, which was held in a small grove that stood near the dwelling-house of the governor, was then brought to a close.

On the next day Governor Harrison, attended only by his interpreter, visited the camp of Tecumseh, where he was received politely. In the course of a long interview Tecumseh repeated the principal declarations and sentiments which he had previously uttered and avowed in open council: and when Governor Harrison told him that his claims and pretensions would not be acknowledged by the President of the United States—“Well,” said Tecumseh, “as the great chief is to determine the matter, I hope the Great Spirit will put sense enough into his head to induce him to direct you to give up

* Letter from Governor Harrison to Hon. William Eustis, secretary of war.

this land. It is true, he is so far off he will not be injured by the war. He may sit still in his town, and drink his wine, while you and I will have to fight it out.”*

CHAPTER XXXVI.

MILITARY PREPARATIONS—VIEWS OF GOVERNOR HARRISON—THE PROPHET AND TECUMSEH.

Soon after the termination of the conference which was held in August, 1810, between Governor Harrison and Tecumseh, a small detachment of United States troops, under the command of Captain Cross, was ordered to move from Newport, Kentucky, to Vincennes. These troops, together with three companies of militia infantry, and a company of Knox county dragoons, were held in readiness to march up the Wabash river, for the purpose of building a fort on the eastern bank of that stream, near the northern boundary of the lands which had been purchased from the Indians in 1809, at the treaty of Fort Wayne. The erecting of a military post in that part of the territory, was, however, deferred until the year 1811. In the month of October, 1810, Governor Harrison, believing that a survey of public lands might be commenced without danger of interruption from the Indians, sent a Mr. McDonald to run the boundary line of the tract of land that had been acquired from the Indians at the treaty of Fort Wayne.

The members of a new territorial legislature, composed of five members of the legislative council, to serve for the term of four years, and nine members of the house of representatives, to serve for the term of two years, were elected by the qualified voters of the territory, on the 2d day of April, 1810; and, in compliance with the requirements of a proclamation issued by Governor Harrison, the territorial legislature met, at

* Dawson's Life of Harrison, p. 159.—Drake's Life of Tecumseh, p. 129.

Vincennes, on the 12th day of November, in the same year. The legislative council was composed of Solomon Manwaring, of Dearborn county; James Beggs, of Clark county; John Harbison, of Harrison county; and Walter Wilson and William Jones, of Knox county. The members of the house of representatives, were, Ephraim Overman, Richard Rue, and John Templeton, of Dearborn county; John Paul and Thomas Downs, of Clark county; Dennis Pennington, of Harrison county; and Genl. Washington Johnston, Peter Jones, and John Caldwell, of Knox county.

At the opening of the session, on the 12th of November, 1810, Governor Harrison, in his message to the legislature, called the attention of that body to the dangerous views which were held and expressed by the Shawanee prophet and his brother Tecumseh—to the pernicious influence of alien enemies among the Indians—to the unsettled condition of the Indian trade—to the defects in the revenue laws, the judiciary system, and the militia laws—to the policy of extinguishing Indian titles to lands—and to the subject of popular education. In the course of his remarks on the subject of Indian affairs, Governor Harrison said—"Although much has been done toward the extinguishment of Indian titles in the territory, much still remains to be done. We have not yet a sufficient space to form a tolerable State. The eastern settlements are separated from the western, by a considerable extent of Indian lands: and the most fertile tracts that are within our territorial bounds, are still their property. Almost entirely divested of the game from which they had drawn their subsistence, it has become of little use to them; and it was the intention of the government to substitute, for the pernicious and scanty supplies which the chase affords, the more certain support which is derived from agriculture, and the rearing of domestic animals. By the considerate and sensible among them, this plan is considered as the only one which will save them from utter extirpation. But a most formidable opposition has been raised to it by the warriors, who will never agree to abandon their old habits, until driven to it by absolute necessity. As long as a deer is to be found in their forests, they will continue to hunt. It has, therefore, been supposed that the confining them to narrow limits, was the only means of producing this highly

desirable change, and averting the destiny which seems to impend over them. Are then those extinguishments of native title, which are at once so beneficial to the Indian, the territory, and the United States, to be suspended upon the account of the intrigues of a few individuals? Is one of the fairest portions of the globe to remain in a state of nature, the haunt of a few wretched savages, when it seems destined, by the Creator, to give support to a large population, and to be the seat of civilization, of science, and true religion?"

In reference to the establishing of a system of popular education, Governor Harrison said—"Let me earnestly recommend to you, that, in the system of education which you may establish in those schools, the military branch may not be forgotten. Let the masters of the inferior schools be obliged to qualify themselves, and instruct their pupils, in the military evolutions; while the university, in addition to those exercises, may have attached to it a professorship of tactics, in which all the sciences connected with the art of war may be taught. I can see no reasonable objection to this plan; it will afford healthy exercise and amusement to the youth, inspire them with patriotic sentiments, furnish our militia with a succession of recruits, all of them habituated to the performance of military evolutions, and some of them with considerable attainments in the higher branches of tactics. The sole additional expense to the ordinary mode of education, independent of the additional professorships in the university, will be the procuring for each subordinate school, a number of mock firelocks of wood, a few martial instruments, and, for the higher schools, a few hundred real guns, of the cheapest manufacture."

The territorial legislature, after passing sixty-three acts in the course of a session of thirty-eight days, was prorogued, by the governor, to the first Monday in October, 1811. Among the acts of the session of 1810, there was one which authorized the president and directors of the Vincennes library, to raise the sum of one thousand dollars by lottery. The legislature, at the same session, petitioned congress for permission to locate a certain quantity of the public lands "lying on the main fork of White river," for a permanent seat of government; and, by an act of the general assembly, William Prince, John Hadden, and James Smith, of Knox county, Harvey Heth, of Harrison

county, Davis Floyd, of Clark county, William McFarland, of Jefferson county, Benjamin McCarty, of Franklin county, Richard Maxwell, of Wayne county, and Elijah Sparks, of Dearborn county, were appointed commissioners for the purpose of selecting a site for a new seat of government for the Indiana territory.

Throughout the early part of the year 1811, the British agent of Indian affairs, in Canada, holding the opinion that a war was about to break out between the United States and Great Britain, adopted a policy that was calculated to secure, for his government, the friendship of the northwestern tribes of Indians. In the meantime Governor Harrison, acting in accordance with instructions that had been received from the President of the United States, continued his efforts to break up the confederacy of Indians at the Prophet's Town, and began to make preparations to erect a fort on the river Wabash, for the protection of the settlers in that quarter. While the governor was advised and instructed to preserve pacific relations with the Indian tribes, he received, from the secretary of war, an intimation that "the surest means of securing good behavior from the prophet and Tecumsch, would be to make them prisoners."

In the course of the spring and summer of the year 1811, the duty of preserving peace between the Indians who were under the influence of the Shawanee prophet and the white pioneer settlers in the Indian territory, became a task of great difficulty. Straggling parties of Indians occasionally committed depredations on the property of the white people; a Creek Indian was killed at Vincennes by a white man; and two Wea Indians were wounded by a white man about twenty miles from the same place; some white men, who were engaged in surveying lands, were frightened away from their work; and a murder was committed by Indians in the Illinois territory; and many rumors of Indian hostility were in circulation among the people of the Indiana territory. A quantity of "annuity salt," which had been shipped in boats at Vincennes, to be delivered at certain Indian villages on the Wabash river, was seized at the Prophet's Town and retained for the use of the Indians at that place. The prophet desired the man who had charge of the salt to "tell the governor not to be angry at his seizing

the salt, as he had got none last year, and had more than two thousand men to feed.”*

On the 24th of June, 1811, Governor Harrison dispatched Captain Walter Wilson to the Prophet's Town, as the bearer of a letter containing a speech addressed to the prophet and Tecumseh. This speech was written in the following words:

“Brothers: Listen to me. I speak to you about matters of importance, both to the white people and to yourselves. Open your ears, therefore, and attend to what I shall say. Brothers: This is the third year that all the white people in this country have been alarmed at your proceedings. You threaten us with war; you invite all the tribes to the north and west of you to join against us. Brothers: Your warriors, who have lately been here, deny this; but I have received the information from every direction. The tribes on the Mississippi have sent me word that you intended to murder me, and then to commence a war upon our people. I have also received the speech you sent to the Pottawattamies, and others, to join you for that purpose; but if I had no other evidence of your hostility to us, your seizing the salt I lately sent up the Wabash is sufficient. Brothers: Our citizens are alarmed, and my warriors are preparing themselves, not to strike you, but to defend themselves and their women and children. You shall not surprise us, as you expect to do. You are about to undertake a very rash act. As a friend, I advise you to consider well of it; a little reflection may save us a great deal of trouble, and prevent much mischief: it is not yet too late. Brothers, what can be the inducement for you to undertake an enterprise when there is so little probability of success? Do you really think that the handful of men that you have about you are able to contend with the Seventeen fires?† or even that the whole of the tribes united could contend against the Kentucky fire alone? Brothers, I am myself of the Long Knife fire. As soon as they hear my voice, you will see them pouring forth their swarms of hunting-shirt men, as numerous as the mosquitoes on the shores of the Wabash. Brothers, take care of their stings. Brothers, it is not our wish to hurt you. If we did,

* Dawson's Life of Harrison, p. 178.

† The United States.

we certainly have power to do it. Look at the number of our warriors to the east of you, above and below the Great Miami; to the south, on both sides of the Ohio, and below you also. You are brave men, but what could you do against such a multitude? But we wish you to live in peace and happiness. Brothers, the citizens of this country are alarmed. They must be satisfied that you have no design to do them mischief, or they will not lay aside their arms. You have also insulted the government of the United States, by seizing the salt that was intended for other tribes. Satisfaction must be given for that also. Brothers, you talk of coming to see me, attended by all your young men. This, however, must not be so. If your intentions are good, you have no need to bring but a few of your young men with you. I must be plain with you. I will not suffer you to come into our settlements with such a force. Brothers, if you wish to satisfy us that your intentions are good, follow the advice that I have given you before—that is, that one or both of you should visit the President of the United States, and lay your grievances before him. He will treat you well, will listen to what you say, and, if you can show him that you have been injured, you will receive justice. If you will follow my advice in this respect, it will convince the citizens of this country, and myself, that you have no design to attack them. Brothers, with respect to the lands that were purchased last fall, I can enter into no negotiations with you on that subject. The affair is in the hands of the president. If you wish to go and see him, I will supply you with the means. Brothers, the person who delivers this, is one of my war-officers. He is a man in whom I have entire confidence. Whatever he says to you, although it may not be contained in this paper, you may believe comes from me. My friend, Tecumseh! the bearer is a good man, and a brave warrior. I hope you will treat him well. You are, yourself, a warrior, and all such should have esteem for each other.”

Captain Wilson, who bore this message to the Prophet's Town, was received in a friendly manner at that place, and “treated with particular friendship by Tecumseh,” who sent by him the following reply to the letter of the governor:

“Brother: I give you a few words, until I will be with you myself,—Tecumseh. Brother, at Vincennes: I wish you to

listen to me while I send you a few words; and I hope that they will ease your heart. I know you look on your young men and your women and children with pity, to see them so much alarmed. Brother, I wish you now to examine what you have from me. I hope it will be a satisfaction to you, if your intentions are like mine, to wash away all these bad stories that have been circulated. I will be with you myself in eighteen days from this day. Brother, we can not say what will become of us, as the Great Spirit has the management of us at his will. I may be there before the time, and may not be there until the day. I hope that, when we come together, all these bad tales will be settled. By this I hope your young men, women, and children, will be easy. I wish you, brother, to let them know when I come to Vincennes and see you, all will be settled in peace and happiness. Brother, these are only a few words to let you know that I will be with you myself; and when I am with you, I can inform you better. Brother, if I find that I can be with you in less time than eighteen days, I will send one of my young men before me, to let you know what time I will be with you."

On the 27th of July, 1811, Tecumseh arrived at Vincennes. The number of his attendants was about three hundred, of whom twenty or thirty were women and children. When he was met, about twenty miles from Vincennes, by Capt. Wilson, who delivered to him a message from the governor, expressing disapprobation of the large number of Indians approaching the town, Tecumseh, after some hesitation, said "he had with him but twenty-four men, and the rest had come of their own accord; but that every thing should be settled to the satisfaction of the governor, on his arrival at Vincennes."

The approach of this large force of Indians created considerable alarm among the inhabitants of Vincennes, and, on the day of the arrival of Tecumseh, Governor Harrison, in adopting various precautionary measures, reviewed the militia of the county, composed of about 750 men, who were well armed, and stationed two companies of militia infantry, and a detachment of dragoons, on the borders of the town.

In the course of the interviews which took place, at this time, between the governor and Tecumseh, the latter declared that it was not his intention to make war against the United

States—that he would send messengers among the Indians to prevent murders, and depredations on the white settlements—that the Indians, as well as the whites, who had committed murders, ought to be forgiven—that he had set the white people an example of forgiveness, which they ought to follow—that it was his wish to establish a union among all the Indian tribes—that the northern tribes were united—that he was going to visit the southern Indians—and that he would return to the Prophet's Town. He said that he would, on his return from the south, in the next spring, visit the President of the United States, and settle all causes of difficulty between the Indians and him. He said, further, that he hoped no attempts would be made to make settlements on the lands which had been sold to the United States, at the treaty of Fort Wayne, because the Indians wanted to keep those lands for hunting grounds.*

Soon after the close of his conferences with Governor Harrison, Tecumseh, attended by twenty Indians, suddenly took his departure from Vincennes, and proceeded down the Wabash river, on his way to the south, for the purpose of disseminating his views among the Creeks, Chickasaws, and Choctaws.

Two different opinions prevailed among the citizens of the territory and among some of the neutral Indians, with respect to the objects of Tecumseh and the prophet, in requiring or permitting so large a number of their adherents to accompany them on their visit to Vincennes, in July, 1811. Some held the opinion that it was merely the object of Tecumseh to gratify his personal ambition, as a great chief, and to impress upon the minds of the white people an idea of his power. Others, among whom there were some spies, asserted that it was his intention, when he set out from the Prophet's Town, to go to Vincennes, demand a retrocession of the lands which had been ceded to the United States at the treaty of Fort Wayne, and, in case of a refusal of this demand, to seize some of the chiefs who were parties to that treaty, and to put them to death in the presence of Governor Harrison. If, however, Tecumseh ever intended to commit any act of violence at Vincennes, the presence of seven or eight hundred armed men,

* Dawson's Life of Harrison; Drake's Life of Tecumseh: Gov. H.'s Letter to secretary of war.

and the vigilance of the governor, soon convinced him and his followers that the perpetration of any act of hostility by them would be speedily followed by their own destruction. Indeed, it seems that the followers of Tecumseh and the prophet "were in astonishment and terror"* while they were in the town of Vincennes.

In the year 1811, a lawsuit, in which Governor Harrison was plaintiff, and a certain William McIntosh was defendant, was determined in the supreme court of the territory, at Vincennes. The jury, in the case, found a verdict in favor of the plaintiff, and assessed his damages at the sum of four thousand dollars. The defendant, Mr. McIntosh, was a wealthy resident of Vincennes, a native of Scotland, well educated, and a man of considerable influence among those who were opposed to the treaty-making policy which had distinguished the administration of Governor Harrison. The suit at law was instituted against McIntosh, for asserting "that Governor Harrison had cheated the Indians out of their lands; and that, by his conduct in so doing, he had made them enemies to the United States." To satisfy the verdict of the jury in this case, a large quantity of land, owned by the defendant, was sold, in the absence of Governor Harrison. The governor, some time afterward, caused about two-thirds of the property to be restored to Mr. McIntosh; and the remainder was given to some orphan children.†

* Dawson's Life of Harrison, p. 187. † Ibid p. 176.

CHAPTER XXVII.

TIPPECANOE CAMPAIGN.

ON the 31st of July, 1811, a public meeting of citizens was held at Vincennes, for the purpose of declaring, by resolutions, the danger to which the white inhabitants of the Indiana territory were exposed, on account of the hostility of the Indians at the Prophet's Town—and, also, for the purpose of requesting the President of the United States to issue orders for the forcible dispersion of the hostile Indians settled at that place.* The President of the United States had, however, as early as the 17th of July, 1811, instructed the secretary of war to authorize Governor Harrison to call out the militia of the territory, and to attack the prophet and his followers, in case circumstances should occur which might render such a course necessary or expedient. The governor was further authorized, at his discretion, to call into his service the fourth regiment of United States infantry, under the command of Colonel John P. Boyd.

The official instructions which were sent from the secretary of war to Governor Harrison, at this period, were strongly in favor of preserving pacific relations with the northwestern Indian tribes, by the use of all means consistent with the protection of the citizens of the territory, and the maintenance of the rights of the general government of the United States.

Governor Harrison, having determined to erect a new fort on the Wabash river, and to break up the assemblage of hostile Indians at the Prophet's Town, ordered Colonel Boyd's regiment of infantry to move from the falls of the Ohio to Vin-

* The committee appointed for the purpose of making this request, was composed of Samuel T. Scott, Alexander Devin, Luke Decker, Ephraim Jordan, Daniel McClure, Walter Wilson, and Francis Vigo. In a letter, dated August 3, 1811, and addressed to the President of the United States, the members of this committee said—"In this part of the country we have not, as yet, lost any of our fellow-citizens by the Indians; but depredations upon the property of those who live upon the frontiers, and insults to the families that are left unprotected, almost daily occur."

cennes; at which place the regiment of regulars was to be reinforced by militia of the territory. On receiving from the secretary of war, the instructions which have been mentioned, the governor sent, by special messengers, written speeches addressed to the several Indian tribes of the Indiana territory, requiring those tribes to fulfill the conditions of their treaties with the United States—to avoid all acts of hostility toward the white settlers—and to make an absolute disavowal of union or connection with the Shawanee prophet.

About the 25th of September, 1811, when the military expedition that had been organized by Governor Harrison, was nearly ready to move on its way toward the Prophet's Town, a deputation of Indians, from that place, arrived at Vincennes. These deputies made strong professions of peace; and declared that the Indians would comply with the demands of the governor. A few days before these messengers arrived at Vincennes, six horses were stolen from white people, by small parties of Indians. Two white men, and a negro, who followed the trail of the horses to an Indian camp, reported that, after obtaining possession of four of the stolen horses, they were pursued by the Indians, who fired on them, and compelled them to abandon the horses which they had recovered.

The following documents are copies of some of the principal "general orders" which were issued by Governor Harrison, before the movement of the army from Vincennes:

"HEADQUARTERS, *Vincennes*, 16th September, 1811.

"The governor of the Indiana territory and commander-in-chief of the militia, being charged, by the President of the United States, with a military expedition, takes command of the troops destined for the same; viz.: The detachment of regular troops, under the command of Colonel John P. Boyd, (consisting of the 4th United States regiment of infantry, and a company of the rifle regiment,) the present garrison of Fort Knox, and the various detachments of militia, infantry and dragoons which have been ordered for this service. As the present garrison of Fort Knox is to form a part of Colonel Boyd's command, the officer commanding that post will receive the colonel's orders. Captain Piatt, of the 2d United States regiment, has been appointed quartermaster for all the troops

employed on the expedition, and is to be obeyed and respected as such. Captain Robert Buntin is appointed quartermaster for the militia, and is to be obeyed and respected accordingly. Henry Hurst, esquire, and the Honorable Waller Taylor, esquire, aids-de-camp to the commander-in-chief, and having the rank of majors, and are announced as such: all orders coming from them, in his name, whether in writing or verbally delivered, are to be respected, and obeyed, as if delivered by the commander-in-chief in person. Captain Piatt is to have the superintendence of persons appertaining to the quartermaster's or military agent's department, and the direction of all stores destined for the use of the expedition."

"HEAD-QUARTERS, Vincennes, 21st September, 1811.

"* * * The commandants of the several infantry corps will immediately commence drilling their men to the performance of the evolutions, contemplated by the commander-in-chief, for the order of march and battle. The principal feature in all these evolutions is that of a battalion changing its direction by swinging round on its center. This, however, is not to be done by wheeling, which, for a large body, is impracticable in woods. It is to be formed thus:—The battalion being on its march *in a single rank*, and its center being ascertained, the front division comes to the right about, excepting the man in the rear of that division; at the same time the front man of the second division takes a position about four feet to the left of the man in the rear of the front division, and dresses with him in a line at right angles to the line of march. These two men acting as guides or markers for the formation of *the new alignment*. At the word "*form the new alignment,—march!*" the men of the front division, passing in succession to the left of their guide and doubling round him, form on his right; the men of the rear division, at the same moment, filing up in succession to the left of their guide, dress in a line with him and the guide of the front division. This movement may be performed by any number of men whatever—by a company, or a platoon, as well as by a battalion.

Joseph Hamilton Daveiss, esq., has been appointed and commissioned major of dragoons in the militia of the Indiana territory; and is appointed to the command of all the dragoons

employed on the present expedition—which, for this purpose, will form one squadron.”

“HEAD-QUARTERS, Vincennes, 22d Sept., 1811.

“ * * * The whole of the infantry, regulars, and militia, is to be considered as one brigade, to be under the command of Colonel John P. Boyd, as brigadier-general. Lieutenant-colonel Miller will command the first line, composed of the whole of the United States troops; and Lieutenant-colonel Bartholomew the second line, composed of the whole of the militia infantry; and these two officers will report to, and receive their orders from, Colonel Boyd. The whole of the cavalry will be under the command of Major Daveiss, who will report to, and receive his orders from, the commander-in-chief. Captain Spencer’s company of volunteers will act as a detached corps, and the captain will receive his orders from the commander-in-chief; they are received as a company of mounted volunteers.

The whole army will parade to-morrow, at one o’clock; the infantry in two columns of files in single rank. The regular troops will form the leading battalions of each column; the militia infantry the rear. The columns will be at such a distance from each other, that when the battalions change their order to one at right angles to their order of march, their flanks will meet. Major Daveiss will place his largest troop of dragoons *in squadron* at open order one hundred and fifty yards advanced of the columns of infantry, and at right angles to the order of march. The next largest troop will be placed in the same form and order at one hundred and fifty yards in rear of the columns. The third troop will be placed, in single line, on the right flank, at one hundred and fifty yards from the line of infantry, and parallel thereto. Captain Spencer’s company will be formed on the left flank, in single rank, and in a line parallel to the infantry, at the distance of one hundred and fifty yards from the left column.

The army, thus formed, will commence its march—the columns taking care to keep their distance, and their heads dressed. When in the woods, the movements will be regulated by signals from the drums. The manœuvring on to-morrow being in open ground, the sight will be sufficient to govern the movements. Upon the word being given to “receive the enemy

in front in two lines," each battalion (of which there are supposed to be four—two in each column) will swing round on its center in the manner directed by the general order of the 21st instant. The dragoons in front will be supposed to keep the enemy in check until the lines are formed, when they will be recalled by a signal, which, for the present, will be the retreat. The dragoons and mounted riflemen on the flanks, and in the rear, will continue their first positions until ordered otherwise. If the second line should be ordered up to form on the flank of the first line, the commanding officer will order the line to break off by files from the right of platoons—the right battalion marching obliquely to the right, and the left to the left, and forming, respectively, upon the right and left of the front line:—at the same time the dragoons and mounted riflemen on the flanks will incline to the right or left, as the case may be, to give room to the infantry to form, and will endeavor to turn the flank of the enemy. When the front troop of dragoons is called, it will pass in short columns of files through the intervals of the front line; and form a corps de reserve immediately in the rear of the front line; and, upon the moving up of the second line of infantry, the rear troop of dragoons will move up and join the advanced troop in the rear of the first line. The lines of march will be formed again in the manner the commander-in-chief shall direct. Dr. Blood having been appointed a surgeon's mate, Dr. Foster will employ him in such a manner as will be most beneficial to the service."

"HEAD-QUARTERS, *Vincennes*, 22d Sept., 1811.

"AFTER ORDERS.—The army being formed in the order of march prescribed by the general orders of this day—if an attack should be made on the right flank, the whole will face to the right, and it will then be in two lines parallel to the line of march, the right column forming the front line and the left the rear. Should the attack be made on the left flank, the reverse of what is here directed will take place—*i. e.* the whole army will face to the left, the left column acting as the front line, the right as the rear. If the attack is made on both flanks at the same time, both columns face outward. To resist an attack in the rear, the same manœuver as is directed for an attack in front, with this difference only, that the leading

grand division of each battalion will form by the filing up of each man in succession, and the second grand division by doubling round its front guide and displaying to the left. To resist an attack in front and rear, the two leading battalions will perform the manœuvre directed for the front attack, and the two others that which has been last described. In all cases where there is an attack, other than a front one, the dragoons and riflemen will consider themselves as front, rear, or flank guards, according to the situation they may be placed in relatively to the rest of the army, and perform the duties which those situations respectively require, as heretofore directed."

The army, under the command of Governor Harrison, moved from Vincennes on the 26th of September, 1811; and, on the 3d of October, without having encountered any material difficulties on its march, encamped at the place where Fort Harrison was afterward built. This place of encampment was selected on the eastern bank of the Wabash river, at a point about two miles above an old Wea village that stood on a prairie, where the town of Terre Haute now stands. On this encampment ground, according to a vague Indian tradition, a desperate battle was once fought, between a party of Illinois Indians and about an equal number of one of the tribes of the Iroquois confederacy. Among the old French settlers on the Wabash, the place was known by the name of "Bataille des Illinois."

While the army was engaged, at this point, in the work of building a fort, Governor Harrison received, from friendly Indians of the Delaware and Miami tribes, several accounts of the increasing hostility of the Shawanee prophet and his confederates. Four Delawares, attended by Mr. Conner, as interpreter, visited the governor, and reported that a war speech had been sent from the prophet to some of the Delaware chiefs who were on their way to meet Governor Harrison, in compliance with a request which they had received from one of his messengers. In this speech, according to the reports of the Delaware chiefs, the prophet declared that his tomahawk was up against the whites—that nothing should induce him to take it down unless the wrongs of the Indians were redressed—and that they, the Delawares, might do as they pleased. Some of

the Delaware chiefs visited the prophet, and endeavored to dissuade him from adopting measures of active hostility against the people of the United States.

On the night of the 10th of October, a few Shawanee Indians approached the encampment of the forces under Governor Harrison, and wounded one of the sentinels. The army was immediately drawn up in order of battle, and small detachments were sent out in all directions, but the darkness of the night enabled the Indians to elude the search of their pursuers. Some of the Miamis, who professed friendship for the United States, proposed to go to the Prophet's Town, *with all their chiefs and young men*, and make an effort to induce him to comply with the demands of the governor. This offer was declined, but Governor Harrison accepted the services of twenty-four Miami Indians, who agreed to carry a message from him to the prophet and the Indians at the Prophet's Town. This message required the Shawanees, Winnebagoes, Pottawattamies, and Kickapoos, who were at that place, to return to their respective tribes. It also required the prophet to restore all the stolen horses that were in his possession, and to deliver up the murderers of white people, or to give satisfactory proof that such persons were not then, "nor had lately been," under his control.* The Miamis who were dispatched with this message to the prophet, never returned with an answer to the governor.

The new fort on the Wabash was finished on the 28th of October; and on that day, at the unanimous request of the officers under the command of the governor, it was named Fort Harrison. The new fort was garrisoned with a small number of men, under the command of Lieutenant-colonel James Miller; and the remainder of the troops moved from that post, on the 29th of October, on their way toward the Prophet's Town. On the 31st of October, soon after passing Big Raceoon creek, the army crossed the river Wabash, at a point near the place where the town of Montezuma, in Parke county, now stands.

At this time the military force of the expedition amounted to about nine hundred and ten men; and it was composed of

* Dawson's Life of Harrison, p. 199.

two hundred and fifty regular troops, under the command of Colonel Boyd; about sixty volunteers from Kentucky; and about six hundred citizens of the Indiana territory. The troops on horseback, consisting of light dragoons and riflemen, amounted to about two hundred and seventy men. Colonel Jos. Hamilton Daveiss, Colonel Abraham Owen, Colonel Samuel Wells, Colonel Frederick Guiger, Captain Funk, and Messrs. O'Fallon, Croghan, Chum, Edwards, Shipp, Meade, and Sanders, were among the distinguished volunteers from Kentucky. On the 2d of November, the army being encamped at a place about two miles below the mouth of the Big Vermillion river, a blockhouse, twenty-five feet square, was erected on the western bank of the Wabash, in a small prairie, about one mile below the place of encampment. At this blockhouse a sergeant and eight men were stationed, with orders to protect the boats which, up to this point, had been used in the transportation of supplies for the expedition.

On the 3d day of the month, the army resumed its march; and, keeping its course through the prairie lands, at some distance from the banks of the river Wabash, it came in view of the Prophet's Town, on the afternoon of the 6th of November. During the march of this day, small parties of Indians were constantly seen hovering about the army; and Gov. Harrison's interpreters made several unsuccessful attempts to open a conference with them. On reaching a point about a mile and a half from the Prophet's Town, the army was ordered to halt; and Governor Harrison directed Touissant Dubois, (who was captain of the spies and guides,) to go forward, with an interpreter, and request a conference with the prophet. As Captain Dubois proceeded on his way to execute this order, several Indians, to whom he spoke in a friendly manner, refused to speak to him; but, by motions, urged him to go forward, and seemed to be endeavoring to cut him off from the main army. On being informed of these apparently hostile manifestations on the part of the Indians, Governor Harrison dispatched a messenger to recall Captain Dubois; and, soon after the return of that officer, the whole army, in order of battle, began to move toward the town—the interpreters having been placed in front, with orders to invite a conference with the Indians. The following particulars, concerning the conduct of the Indians,

when the army was approaching the Prophet's Town, are copied from a letter written by Governor Harrison, on the 18th of November, 1811, and addressed to the secretary of war:

"We had not advanced above four hundred yards, when I was informed that three Indians had approached the advanced guard, and had expressed a wish to speak to me. I found, upon their arrival, that one of them was a man in great estimation with the prophet. He informed me that the chiefs were much surprised at my advancing upon them so rapidly—that they were given to understand, by the Delawares and Miamis whom I had sent to them a few days before, that I would not advance to their town until I had received an answer to my demands made through them—that *this answer had been dispatched by the Pottawattamie chief, Win-a-mac, who had accompanied the Miamis and Delawares on their return—that they had left the Prophet's Town two days before with a design to meet me, but unfortunately had taken the road on the south [eastern] side of the Wabash.*

"I answered that I had no intention of attacking them, until I discovered that they would not comply with the demands which I had made—that I would go on and encamp at the Wabash, and, in the morning, would have an interview with the prophet and his chief, and explain to them the determination of the president—that, in the mean time, no hostilities should be committed. He seemed much pleased with this, and promised that it should be observed on their part.

"I then resumed my march. We struck the cultivated grounds about five hundreds yards above the town; but, as these extended to the bank of the Wabash, there was no possibility of getting an encampment which was provided with both wood and water. My guides and interpreters being still with the advanced guard, and taking the direction of the town, the army followed, and had advanced within about one hundred and fifty yards, when fifty or sixty Indians sallied out, and, with loud exclamations, called to the cavalry and to the militia infantry, which were on our right flank, to halt. I immediately advanced to the front, caused the army to halt, and directed an interpreter to request some of the chiefs to come to me. In a few moments the man who had been with me before made his appearance.

"I informed him that my object, for the present, was to procure a good piece of ground to encamp on, where we could get wood and water. He informed me that there was a creek to the northwest, which, he thought, would suit our purpose. I immediately dispatched two officers [Major Marston G. Clark and Major Waller Taylor] to examine it; and they reported that the situation was excellent. I then took leave of the chief, and mutual promises were again made for suspension of hostilities until we could have an interview on the following day.

"I found the ground destined for the encampment not altogether such as I could wish it. It was, indeed, admirably calculated for the encampment of regular troops that were opposed to regulars; but it afforded great facility to the approach of savages. It was a piece of dry oak land, rising about ten feet above the level of a marshy prairie in front, (toward the Prophet's Town,) and nearly twice that height above a similar prairie in the rear, through which and near to this bank, ran a small stream clothed with willows and other brushwood. Toward the left flank this bench of land widened considerably, but became gradually narrower in the opposite direction, and at the distance of one hundred and fifty yards from the right flank terminated in an abrupt point."

The Tippecanoe battle-ground, on which the army under the command of Governor Harrison encamped on the night of the 6th of November, 1811, lies on the borders of Burnet's creek, about seven miles in a northeastern direction from the town of Lafayette, in Tippecanoe county.

The army encamped in order of battle. The men were instructed to sleep with their clothes and accouterments on—with their fire-arms loaded and their bayonets fixed; and each corps that formed a part of the exterior line of the encampment was ordered, in case of an attack, to hold its own ground until relieved.

The two columns of infantry occupied the front and rear of the encampment ground, at the distance of about one hundred and fifty yards from each other on the left flank, and something more than one-half that distance on the right flank. The left flank was filled up by two companies of mounted

riflemen, amounting to about one hundred and twenty men, under the command of Major-general Wells, of the Kentucky militia, who served as major. The right flank was filled up by Captain Spier Spencer's company of mounted riflemen, consisting of eighty men. The front line was composed of one battalion of United States infantry, under the command of Major Floyd—flanked on the right by two companies of militia, and on the left by one company. The rear line was composed of a battalion of United States troops, under the command of Captain Baen, acting as major, and four companies of militia infantry, under the command of Lieutenant-colonel Decker. The regular troops, on the rear line, joined the mounted riflemen, under General Wells, on the left flank; and Colonel Decker's battalion formed an angle with Captain Spencer's company on the right flank. Two troops of dragoons, amounting, aggregately, to about sixty men, were encamped in the rear of the left flank; and Captain Parke's troop of dragoons, which was larger than the other two, was encamped in the rear of the front line. The dragoons were directed, in case of a night attack, to parade dismounted, with their pistols in their belts, and to act as a corps de reserve.

Although strong guards were placed on duty, on the night of the 6th of November, it seems that the principal officers of the expedition did not expect that the Indians would, on that night, make an attack on the army. About two hours before sunrise, however, on the morning of the 7th of November, an attack was made on the left flank of the encamped army, "so suddenly, that the Indians were in the camp before many of the men could get out of their tents."*

The following particulars of the battle of Tippecanoe are copied from the official dispatch which was addressed to the secretary of war, by Governor Harrison, on the 18th of November, 1811, ten days after the battle:

"I had risen at a quarter after four o'clock, and the signal for calling out the men would have been given in two minutes, when the attack commenced. It began on the left flank; but a single gun was fired by the sentinels, or by the guard in that direction, which made not the least resistance, but abandoned

* Governor Harrison's Letter to Secretary of War, November 8, 1811.

their officer and fled into camp; and the first notice which the troops of that flank had of the danger, was from the yells of the savages within a short distance of the line; but, even under these circumstances, the men were not wanting to themselves or to the occasion. Such of them as were awake, or were easily awakened, seized their arms, and took their stations; others, which were more tardy, had to contend with the enemy in the doors of their tents. The storm first fell upon Captain Barton's company, of the 4th United States regiment, and Captain Guiger's company of mounted riflemen, which formed the left angle of the rear line. The fire upon these was excessively severe; and they suffered considerably before relief could be brought to them. Some few Indians passed into the encampment near the angle, and one or two penetrated to some distance before they were killed. I believe all the other companies were under arms, and tolerably formed, before they were fired on. The morning was dark and cloudy. Our fires afforded a partial light, which, if it gave us some opportunity of taking our position, was still more advantageous to the enemy—affording them the means of taking a surer aim. They were, therefore, extinguished as soon as possible.

“Under these discouraging circumstances, the troops (nineteen-twentieths of whom had never been in action before) behaved in a manner that can never be too much applauded. They took their places without noise, and with less confusion than could have been expected from veterans placed in a similar situation. As soon as I could mount my horse, I rode to the angle that was attacked. I found that Barton's company had suffered severely, and the left of Guiger's entirely broken. I immediately ordered Cook's company, and the late Captain Wentworth's, under Lieutenant Peters, to be brought up from the center of the rear line, where the ground was much more defensible, and formed across the angle, in support of Barton's and Guiger's. My attention was then engaged by a heavy firing upon the left of the front line, where were stationed the small company of United States riflemen, (then, however, armed with muskets,) and the companies of Baen, Snelling, and Prescott, of the 4th regiment.

“I found Major Daveiss forming the dragoons in the rear of those companies, and understanding that the heaviest part

of the enemy's fire proceeded from some trees about fifteen or twenty paces in front of those companies, I directed the major to dislodge them with a part of the dragoons. Unfortunately, the major's gallantry determined him to execute the order with a smaller force than was sufficient, which enabled the enemy to avoid him in the front, and attack his flanks. The major was mortally wounded, and his party driven back. The Indians were, however, immediately and gallantly dislodged from their advantageous position, by Captain Snelling, at the head of his company.

"In the course of a few minutes after the commencement of the attack, the fire extended along the left flank, the whole of the front, the right flank, and part of the rear line. Upon Spencer's mounted riflemen, and the right of Warrick's company, which was posted on the right of the rear line, it was excessively severe. Captain Spencer, and his first and second lieutenants, were killed; and Captain Warrick mortally wounded. Those companies, however, still bravely maintained their posts; but Spencer's having suffered so severely, and having originally too much ground to occupy, I reinforced them with Robb's company of riflemen, which had been driven—or, by mistake, ordered—from their position in the left flank, toward the center of the camp, and filled the vacancy that had been occupied by Robb with Prescott's company of the 4th United States regiment. My great object was to keep the lines entire—to prevent the enemy from breaking into the camp, until daylight should enable me to make a general and effectual charge. With this view I had reinforced every part of the line that had suffered much; and as soon as the approach of morning discovered itself, I withdrew, from the front line, Snelling's, Posey's, (under Lieutenant Albright,) and Scott's; and, from the rear line, Wilson's companies, and drew them up upon the left flank; and, at the same time, I ordered Cook's and Baen's companies—the former from the rear, and the latter from the front line—to reinforce the right flank; foreseeing that, at these points, the enemy would make their last efforts. Major Wells, who commanded on the left flank, not knowing my intentions precisely, had taken the command of these companies—had charged the enemy before I had formed the body of dragoons with which



CHARGE OF COL. DAVEISS AT TIPPECANOE.

I meant to support the infantry; a small detachment of these were, however, ready, and proved amply sufficient for the purpose. The Indians were driven by the infantry at the point of the bayonet; and the dragoons pursued and forced them into a marsh, where they could not be followed. Captain Cook and Lieutenant Larrabee had, agreeably to my order, marched their companies to the right flank, and formed them under the fire of the enemy; and being then joined by the riflemen of that flank, had charged the Indians, killed a number, and put the rest to precipitate flight. * * * * *

"The whole of the infantry formed a small brigade, under the immediate orders of Colonel Boyd. The colonel, throughout the action, manifested equal zeal and bravery in carrying into execution my orders—in keeping the men to their posts, and exhorting them to fight with valor. His brigade-major, Clarke, and his aid-de-camp, George Croghan, esq., were also very serviceably employed. Colonel Joseph Bartholomew, a very valuable officer, commanded, under Colonel Boyd, the militia infantry. He was wounded early in the action, and his services lost to me. Major G. R. C. Floyd, the senior officer of the 4th United States regiment, commanded immediately the battalion of that regiment, which was in the front line. His conduct, during the action, was entirely to my satisfaction. Lieutenant-colonel Decker, who commanded the battalion of militia on the right of the rear line, preserved his command in good order. He was, however, but partially attacked. I have before mentioned to you, that Major-general Wells, of the 4th division of Kentucky militia, acted, under my command, as a major, at the head of two companies of mounted volunteers. The general maintained the fame which he had already acquired in almost every campaign, and in almost every battle which has been fought with the Indians since the settlement of Kentucky. Of the several corps, the 4th United States regiment, and the two small companies attached to it, were certainly the most conspicuous for undaunted valor. The companies commanded by Captains Cook, Snelling, and Barton, Lieutenants Larrabee, Peters, and Hawkins, were placed in situations where they could render most service, and encounter most danger; and those officers eminently distinguished themselves. Captains Prescott and Brown

performed their duty, also, entirely to my satisfaction, as did Posey's company of the 7th regiment, headed by Lieutenant Albright. In short, sir, they supported the fame of American regulars; and I have never heard that a single individual was found out of the line of his duty.

"Several of the militia companies were in no wise inferior to the regulars. Spencer's, Guiger's, and Warrick's maintained their posts amid a monstrous carnage—as, indeed, did Robb's, after it was posted on the left flank. Its loss of men, (seventeen killed and wounded,) and keeping its ground, is sufficient evidence of its firmness. Wilson's and Scott's companies charged with the regular troops, and proved themselves worthy of doing so. Norris' company also behaved well. Hargrove's and Wilkins' companies were placed in a situation where they had no opportunity of distinguishing themselves, or, I am satisfied, they would have done it. This was the case with the squadron of dragoons also. After Major Daveiss had received his wound, knowing it to be mortal, I promoted Captain Parke to the majority, than whom there is no better officer. My two aids-de-camp, Majors Hurst and Taylor, with Lieutenant Adams, of the 4th regiment, the adjutant of the troops, afforded me the most essential aid, as well in the action as throughout the campaign.

"The arrangements of Captain Piatt, in the quartermaster's department, were highly judicious; and his exertions, on all occasions—particularly in bringing off the wounded—deserve my warmest thanks. But, in giving merited praise to the living, let me not forget the gallant dead. Colonel Abraham Owen, commandant of the 18th Kentucky regiment, joined me, a few days before the action, as a private in Captain Guiger's company. He accepted the appointment of volunteer aid-de-camp to me. He fell early in the action. The representative of his State will inform you that she possessed not a better citizen, nor a braver man. Major J. H. Daveiss was known as an able lawyer and a great orator. He joined me as a private volunteer; and, on the recommendation of the officers of that corps, was appointed to command the three troops of dragoons. His conduct, in that capacity, justified their choice. Never was there an officer possessed of more ardor and zeal to discharge his duties with propriety; and never one who

would have encountered greater danger to purchase military fame. Captain Baen, of the 4th United States regiment, was killed early in the action. He was, unquestionably, a good officer and valiant soldier. Captains Spencer and Warrick, and Lieutenants McMahon and Berry, were all my particular friends. I have ever had the utmost confidence in their valor, and I was not deceived. Spencer was wounded in the head. He exhorted his men to fight valiantly. He was shot through both thighs, and fell; still continuing to encourage them, he was raised up, and received a ball through his body, which put an immediate end to his existence. Warrick was shot immediately through the body. Being taken to the surgery, to be dressed, as soon as it was over, (being a man of great bodily vigor, and able to walk,) he insisted on going back to head his company, although it was evident that he had but a few hours to live."

CHAPTER XXXVIII.

KILLED AND WOUNDED AT TIPPECANOE—PROCEEDINGS OF TERRITORIAL LEGISLATURE—PROPOSITION TO FORM A STATE GOVERNMENT.

At the battle of Tippecanoe, the loss of the army, under the command of Governor Harrison, amounted to thirty-seven killed in the action, and one hundred and fifty-one wounded—of which number twenty-five afterward died of their wounds. Colonel Joseph Hamilton Daveiss, Colonel Abraham Owen, Captain W. C. Baen, Captain Jacob Warrick, Captain Spier Spencer, Lieutenant Richard McMahan, Lieutenant Thomas Berry, Thomas Randolph, esq., and Colonel Isaac White, were among those who were killed or mortally wounded in the battle. Lieutenant-colonel Joseph Bartholomew, Lieutenant-colonel Luke Decker, Dr. Edward Scull, Adjutant James Hunter, Lieutenant George P. Peters, Lieutenant George Gooding,

Ensign Henry Burchstead, Captain John Norris, and Captain Frederick Guiger, were among the wounded.

The number of the Indians who were engaged in the battle of Tippecanoe can not be stated with any degree of certainty. The reports which, soon after the battle, were circulated among the people of the territory, by Indians and Indian traders, were contradictory. Some of these reports fixed the number of fighting men at 560—other accounts placed the number at 732; and, while a few persons asserted that the number of warriors did not exceed 350, others estimated the Indian force at one thousand fighting men. The loss of the Indians, in killed and wounded, was, probably, about equal to the loss which was sustained by the army under the command of Governor Harrison. Thirty-eight Indian warriors were killed on the field of battle.

Standing on a small piece of elevated ground, near the scene of action, the prophet, whose voice was remarkably loud, encouraged the Indians, by singing a war song. He told his followers that they would gain an easy victory; and that the bullets of their enemies would be made harmless. When he was informed, during the engagement, that some of the Indians were killed, he said that his warriors must fight on, and they would soon be victorious. His force, having been gathered from different tribes, was composed of Shawanees, Wyandots, (or Hurons,) Kickapoos, Ottawas, Chippewas, Pottawattamies, Winnebagoes, Sacs, and a few Miamis. Immediately after their defeat at the battle of Tippecanoe, the surviving Indians having, with a few exceptions, lost their faith in the power of their leader, returned to their respective tribes; and the Prophet, thus left almost without followers, took up his residence among a small band of Wyandots, who were encamped on Wildcat creek. His deserted town, which contained a large quantity of corn, was destroyed on the 8th of November.

On the next day the army moved from its encampment on the Tippecanoe battle-ground, and, returning on the route by which it had marched toward the Prophet's Town, it reached the vicinity of Fort Harrison on the 14th of November. The wounded, having been placed in boats, were sent forward to Vincennes. Leaving Captain Snelling with his company of regulars at Fort Harrison, the army continued its march

toward Vincennes, at which place it arrived on the 18th of November. The troops from Kentucky, and those from the southeastern parts of the Indiana territory, were discharged at Bosseron creek, on the preceding day.

The territorial legislature adopted the following preamble and resolution on the 18th of November:

“WHEREAS, The services of his excellency, Governor Harrison, in conducting the army—the gallant defense made by the band of heroes under his immediate command, and the fortunate result of the battle fought with the confederacy of the Shawanee prophet, near Tippecanoe, on the morning of the 7th instant, highly deserve the congratulations of every true friend to the interests of this territory and the cause of humanity:—

“*Resolved, therefore,* That the members of the legislative council and house of representatives will wait upon his excellency, Governor Harrison, as he returns to Vincennes, and, in their own names, and in those of their constituents, welcome him home; and that General W. Johnston be, and he is hereby appointed, a committee to make the same known to the governor, at the head of the army, should unforeseen circumstances not prevent.”

At this period, there were a few members of the territorial legislature, and a considerable number of the citizens of the Indiana territory, who were inclined to award to Colonel Boyd, and his small regiment of regular troops, the honor of saving the army from defeat and destruction at the battle of Tippecanoe. Among this class of citizens, there were some who were known as the avowed personal enemies of Governor Harrison—some who had steadily opposed his administration of the territorial government, especially his policy in the making of Indian treaties, and in the general management of Indian affairs; some who had, with a good deal of activity, and, perhaps, with humane motives, opposed the organization of the expedition which was formed for the purpose of breaking up the settlement of Indians at the Prophet's Town; and some—but not many—who, on very slight grounds, were suspected of being the friends, if not the agents or emissaries, of the British government.

The following joint address of the two houses of the territorial legislature was delivered to Governor Harrison, on the 5th of December, 1811. This address, which was prepared by the legislative council, was adopted in the house of representatives, by a vote of four to three:

“To his excellency, William Henry Harrison, governor and commander-in-chief in and over the Indiana territory:

“When, in the course of human events, it becomes necessary for a nation to unsheath the sword in defense of any portion of its citizens, and any individual of society becomes intrusted with the important charge of leading the army of his country into the field to scourge the assailants of its rights; and it is proved, by the success of their arms, that the individual possesses superior capacity, accompanied by integrity and other qualities of the mind which adorn the human character in a superlative degree, it has a tendency to draw out the affections of the people in a way that must be grateful to the soldier and the man. Such is the light, sir, in which you have the honor to be viewed by your country, and one which the legislative council and house of representatives [of this territory] think you justly entitled to. And, sir, in duly appreciating your services, we are perfectly sensible of the great benefits and important services rendered by the officers and soldiers of the United States infantry under your command; and it is with pleasure we learn that the officers and militia men of our country acted with a heroism more than could be reasonably calculated upon from men (such as they generally were) undisciplined and unaccustomed to war.”

On the 9th of December, Governor Harrison transmitted the following reply to the foregoing address:

“To the legislative council and house of representatives:

“Fellow-citizens: The joint address of the two houses, which was delivered to me on the 5th instant by your committee, was received with feelings which it is more easy for you to conceive than for me to describe. Be pleased to accept my sincerest thanks for the favorable sentiments you have been pleased to express of my conduct as the commander-in-chief of the expedition; and be assured that the good opinion of the people of

Indiana and their representatives will ever constitute no small portion of my happiness.

"If any thing could add to my gratitude to you, gentlemen, it is the interest you take in the welfare of those brave fellows who fought under my command. Your memorial in their favor to the congress of the United States does equal honor to the heads and hearts of those in whose name it is sent, and is worthy of the legislature of the Indiana territory."

On the 25th of November, the territorial house of representatives passed some joint resolutions, which, on account of the strong, special, and somewhat exclusive praise, which they bestowed on Colonel Boyd and his regiment, were "disagreed to" in the legislative council on the 27th of the same month. The following resolutions were, however, adopted by the house of representatives on the 4th of December:

"Resolved, by the house of representatives of the Indiana territory, That the thanks of this house be given to Colonel John P. Boyd, the second in command, to the officers; non-commissioned officers, and private soldiers comprising the 4th United States regiment of infantry, together with all the United States troops under his command, for the distinguished regularity, discipline, coolness, and undaunted valor, so eminently displayed by them in the late brilliant and glorious battle fought with the Shawanee prophet and his confederates on the morning of the 7th of November, 1811, by the army under the command of his excellency, William Henry Harrison.

"Resolved, That the said Colonel John P. Boyd be requested to communicate the foregoing to the officers, non-commissioned officers, and privates belonging to the said fourth regiment, and that a copy of these resolutions, signed by the speaker of this house, be presented to the said Colonel Boyd by a committee of this house.

"Resolved, by the house of representatives of the Indiana territory, That the thanks of this house be presented to Colonel Luke Decker and Colonel Joseph Bartholomew, the officers, non-commissioned officers, and men composing the militia corps under their command, together with the officers, non-commissioned officers, and soldiers composing the volunteer militia corps from the State of Kentucky, for the distinguished valor, heroism, and bravery displayed by them in the brilliant battle

fought with the Shawanee prophet and his confederates on the morning of the 7th of November, 1811, by the army under the command of his excellency, William Henry Harrison."

The following reply to these resolutions was sent to the house of representatives by Colonel Boyd:

"UNITED STATES TROOPS' MAIN QUARTERS, }
Vincennes, Dec. [4], 1811. }

"To the honorable the house of representatives of the Indiana territory:

"Gentlemen: I have the honor, for myself, the officers, and soldiers comprising the fourth regiment, the rifle company attached, and the small detachment of Posey's company, to return you thanks for the distinguished notice you have been pleased to take of our conduct in the battle with the Shawanee prophet and his confederates, on the morning of the 7th of November, 1811, by your resolution of this day. If our efforts in the discharge of our duties shall have resulted in advancing the public good, we are gratified; and to believe that we have merited this tribute of applause from the assembled representatives of this very respectable portion of our country, renders it peculiarly flattering to our honor and our pride."

Five days after the passage of the resolutions to which Col. Boyd made the foregoing reply, Governor Harrison sent the following message to the house of representatives:

"Gentlemen of the house of representatives:

"Your speaker has transmitted to me two resolutions of your house expressive of your thanks to Colonel John P. Boyd and the officers and soldiers of the fourth United States regiment, to Colonels Bartholomew and Decker, and the officers and privates of the militia under their command, also to the Kentucky volunteers, for their bravery and good conduct in the action of the seventh ultimo. It has excited my astonishment and deep regret to find that the mounted riflemen of the territory, who so eminently distinguished themselves, and the squadron of dragoons, whose conduct was also highly meritorious, have on this occasion been totally neglected. I can not for a moment suppose, gentlemen, that you have any other

wish than that of rendering impartial justice to all the corps. I can not believe that you have the smallest tincture of that disposition, which certainly elsewhere prevails, to disparage the conduct of the militia, and to deprive them of their share of the laurels which have been so dearly purchased by the blood of some of our best and bravest citizens. No! I can never suppose that it was your intention to insult the shades of Spencer, McMahan, and Berry, by treating with contempt the corps which their deaths have contributed to immortalize: nor will I believe that a Daveiss, a White, a Randolph, and a Mahan, have been so soon forgotten, or that the corps to which they belonged, and which faithfully performed its duty, was deemed unworthy of your notice. The omission was certainly occasioned by a mistake; but it is a mistake by which, if not rectified, the feelings of a whole county, and part of another, now abounding with widows and orphans, the unhappy consequences of the late action, will be wounded and insulted.

“The victory of the 7th ult., gentlemen, was not gained by any one corps, but by the efforts of all: some of them, indeed, more particularly distinguished themselves, and of this number was the United States regiment. In my official report to the secretary of war, I have mentioned them in such terms of approbation, that if stronger are to be found in the English language, I am unacquainted with them. But I have not given them all the honor of the victory. To have done so, I should have been guilty of a violence of truth, of justice, and of a species of treason against our Republic itself, whose peculiar and appropriate force is its militia. With equal pride and pleasure, then, do I pronounce that, notwithstanding the regular troops behaved as well as men ever did, many of the militia companies were in no wise inferior to them. Of this number was the mounted riflemen, commanded by Captain Spencer. To them was committed the charge of defending the right flank of the army. That it could not have been committed to better hands, their keeping their ground (indeed gaining upon the enemy) for an hour and a half with unequal arms against superior numbers, and amid a carnage that might have made veterans tremble, is sufficient evidence. Nor can I say that Captain Robb’s company, after it was placed by the side of Spencer’s, was at all inferior to it. It is certain that

they kept their post, and their great loss shows that it was the post of danger. The dragoons also did every thing that could have been expected from them in the situation in which they were placed. Before they were mounted, they certainly kept the enemy, for a considerable time, from penetrating the camp by the left flank; and when mounted, they remained firm at their posts, although exposed to the fire of the enemy at a time when they were necessarily inactive, and consequently placed in a situation most trying to troops. The failure of the charge made by Major Daveiss was owing to his having employed too small a number; but even with these, it is more than probable that he would have been successful, if he had not, unfortunately, mistaken the direction in which the principal part of the enemy lay. A successful charge was made by a detachment of the dragoons at the close of the action, and the enemy were driven into a swamp, in which they could not be followed.

“You may perhaps, gentlemen, suppose that I ought to have given you the information necessary to your forming a correct opinion of the merits of each corps. Military etiquette, however, and the custom of our country forbade this. It is to the government of the United States alone that a detailed account of an action is made. In this communication I have given you such information only as was necessary to enable you to correct a mistake which I am sure was unintentional on your parts. My sense of the merits of the other corps of the army will be known when my official account is published.”

In the territorial house of representatives, the committee to whom the foregoing message was referred, reported the following answer to the governor, which was adopted by the house on the 17th of December:

“His excellency, William Henry Harrison, governor and commander-in-chief of the Indiana territory:

“Sir: When this house addressed that portion of the troops to which you refer in your communication of the 9th instant, it was not the intention of this body to cast a shade over any portion of the troops that were under the command of your excellency in the late engagement; nor to take from the commander-in-chief any of that honor which he so nobly acquired

in the late victory. In the joint address of both houses to you, their notice of the militia in general terms was thought sufficient—as it was out of their power to notice every man who distinguished himself; therefore it was considered that any evidence of respect paid to the commander-in-chief, was an evidence of approbation to all. It is not to be supposed that those gentlemen to whom it is supposed particular respect has been paid, have done any more than their duty, or that they distinguished themselves any more than many private soldiers. Those gentlemen who fell, some of them did well, and some others had not the opportunity, being killed too early in the battle. But there is not an individual in this body but acknowledges that it was a well-fought battle, and that praise is due; but they generally agree that the laurels won, principally, ought to be the property of the commander-in-chief.”

In the month of December, 1811, Governor Harrison received several messages from bands of Pottawattamies, Kickapoos, and Winnebagoes, all of whom, expressing regret on account of their late connection with the prophet, desired to visit the governor, and to renew their professions of peace and friendship for the United States. Governor Harrison, however, refused, at that time, to hold any councils of peace with deputations from these tribes; and he told the Indian messengers that he would “receive no propositions for peace, until the prophet and all his followers, who did not belong to [the tribes on] the Wabash, were removed from the country.” At a later time, but before the 7th of January, 1812, Captain Josiah Snelling was informed, at Fort Harrison, by a Wea Indian, that some of the Kickapoos and Winnebagoes had declared that “if their offers of peace were not accepted soon, and themselves released from their miserable situation, they were determined to make the white people suffer also, by attacking the frontiers with fire and sword.”*

The Shawanee chief, Tecumseh, on his return to the north, after having visited some of the southern tribes, passed through Missouri and Illinois, and made his appearance among the Miami Indians, soon after the defeat of his brother, the prophet.

* Dawson's Life of Harrison, p. 257.

It is said that Tecumseh reproved the prophet, in very strong words, for permitting the Indians to attack the army under the command of Governor Harrison.

Among the immediate results of the Tippecanoe expedition, were the breaking up of the Indian settlement at the Prophet's Town, the destruction of the prophet's influence among the principal northwestern tribes, the defeat of the designs of Tecumseh, and a temporary relief of the frontier settlements from Indian depredations.

In the month of December, 1811, the legislature of the Indiana territory adopted a memorial to congress, asking that body to authorize the people of the territory to form a State constitution. The memorial contains the following passages: "Born and educated in different States of the Union, in the enjoyment of civil and political rights, they think it hard to be, in a degree, disfranchised as a people, when they have done no crime. * * * Your memorialists, deeply impressed with a sense of their provincial dependence, in behalf of themselves and their constituents, now make a solemn appeal to the national legislature, and pray that they may have the liberty of forming a constitution, and to be admitted as an independent State into the Union, upon the same footing as one of the original States. * * * It is a principle, and not men or measures, that we complain of."

CHAPTER XXXIX.

DECLARATION OF WAR AGAINST GREAT BRITAIN—INDIAN HOSTILITIES
—ATTACK ON FORT HARRISON.

THE declaration of war, which was made in June, 1812, by the United States against Great Britain, was not an event that was unexpected by the citizens of the Indiana territory; nor did the breaking out of the war surprise those northwestern Indians, who had, for many years, maintained a friendly intercourse with traders who were subjects of the British government. In the month of January, 1812, a distinguished Miami chief, who was called the Little Turtle, and who lived at a village near Fort Wayne, sent to Governor Harrison a message, in which he alluded to the signs of an approaching war with Great Britain, and expressed, for the Miami and Eel river tribes, their attachment to the government of the United States, and their opposition to the schemes of the prophet. The Delawares, also, continued to express their friendship for the United States; but it became clearly evident, in the early part of the year 1812, that the Pottawattamies, Kickapoos, Winnebagoes, and some other northwestern tribes, were not disposed to remain at peace with the pioneer settlers of the west. On the 6th of April two white men were killed by Indians, at a cabin that stood almost within view of a small military post at Chicago. On the 11th of April, at a settlement on the western side of the river Wabash, about thirty-five miles above Vincennes, Mr. Hutson, his wife, four of his children, and a man employed in his service, were killed by Indians; and, on the 22d of April, Mr. Haryman, his wife, and five children, were killed by a party of Indians, near the mouth of Embarrass creek, at a point about five miles distant from Vincennes.

The reports of these murders created considerable alarm among the frontier settlers of the Indiana territory. In the general orders which were issued by Governor Harrison, on the 16th of April, 1812, the officers of the territorial militia were directed to put their forces "in the best possible state for

active service." The same general orders contained remarks in favor of the expediency of erecting blockhouses or picketed forts, on the frontiers of Knox county, on the two branches of White river, eastward of Vincennes, and in the county of Harrison. The propriety of erecting similar posts of defense, on the frontiers of Clark, Jefferson, Dearborn, Franklin, and Wayne counties was to be determined by the disposition of the Delaware Indians. "Means will be taken," said the governor, "to ascertain this [disposition] as soon as possible, and the result communicated. The Indians, who profess to be friendly, have been warned to keep clear of the settlements; and the commander-in-chief is far from wishing that the citizens should run any risk by admitting any Indians to come among them, whose designs are in the least equivocal. He recommends, however, to those settlements which the Delawares have frequented, as much forbearance as possible toward that tribe, because they have ever performed, with punctuality and good faith, their engagements with the United States, and, as yet, there is not the least reason to doubt their fidelity. It is also certain, that if they should be forced to join the other tribes in the war, from their intimate knowledge of the settlements upon the frontiers, they would be able to do more mischief than any other tribe."

The general orders issued by Governor Harrison, on the 16th of April, 1812, contained the following instructions: "When mischief is done by the Indians, in any of the settlements, they must be pursued; and the officer nearest to the spot, (if the number of men under his command is not inferior to the supposed number of the enemy,) is to commence it as soon as he can collect his men. If his force should be too small, he is to send for aid to the next officer to him; and, in the mean time, take a position capable of being defended, or watch the motions of the enemy as circumstances require. The pursuit must be conducted with vigor; and the officer commanding will be held responsible for making every exertion in his power to overtake the enemy."

In the course of the spring and summer of the year 1812, blockhouses or picketed forts were erected throughout the Indiana territory, in the principal settlements which were exposed to Indian depredations. About the middle of the

month of May, in the same year, a great Indian council was held at an Indian village on the Mississinewa river. There were deputations present from the Wyandots, Chippewas, Ottawas, Pottawattamies, Delawares, Miamis, Eel river Miamis, Weas, Piankeshaws, Shawanees, Kickapoos, and Winnebagoes. The general expression of opinion at this council, was in favor of the preservation of peace between the United States and the Indian tribes. The Wyandots, who were called "the elder brothers," expressed their views in the following speech, which was made by one of their orators, at the opening of the council:

"Younger brothers—you that reside on the Wabash—listen to what we say; and, in order that you may distinctly hear, and clearly understand our words, we now open your ears, and place your hearts in the same position that it was placed by the Great Spirit when he created you. Younger brothers, we are sorry to see your path filled with thorns and briers, and your land covered with blood. Our love for you has caused us to come and clean your paths, and wipe the blood off your land, and take the weapons that have spilled this blood from you, and put them where you can never reach them again. Younger brothers, this is done by the united voice of all your elder brothers that you now see present, who are determined not to be disobeyed. This determination of your elder brothers, to put an entire stop to the effusion of blood, has met with the approbation of our fathers the British, who have advised all the red people to be quiet, and not meddle in quarrels that may take place between the white people."

At the close of this speech, Tecumseh, the brother of the prophet, spoke as follows:

"Elder brothers, we have listened with attention to what you have said to us. We thank the Great Spirit for inclining your hearts to pity us. We now pity ourselves. Our hearts are good; they never were bad. Governor Harrison made war on my people in my absence. It was the will of God that he should do so. We hope it will please God that the white people may let us live in peace. We will not disturb them; neither have we done it, except when they came to our village with the intention of destroying us. We are happy to state to our brothers present, that the unfortunate transaction that

took place between the white people and a few of our young men, at our village, has been settled between us and Governor Harrison. And I will further state, had I been at home, there would have been no blood shed at that time. We are sorry to find that the same respect has not been paid to the agreement between us and Governor Harrison, by our brothers, the Pottawattamies. However, we are not accountable for the conduct of those over whom we have no control. Let the chiefs of that nation exert themselves, and cause their warriors to behave themselves, as we have and will continue to do ours. Should the bad acts of our brothers, the Pottawattamies, draw on us the ill-will of our white brothers, and they should come again and make an unprovoked attack on us, at our village, we will die like men; but we will never strike the first blow."

In the course of a speech that was then made on behalf of the Pottawattamies, the speaker said:

"We are glad that it should please the Great Spirit for us to meet to-day, and incline all our hearts for peace. Some of the foolish young men of our tribe, that have, for some winters past, ceased to listen to the voice of their chiefs, and followed the counsel of the Shawanee, that pretended to be a prophet, have killed some of our white brothers this spring, at different places. We have believed that they were encouraged, in this mischief, by this pretended prophet, who, we know, has taken great pains to detach them from their own chiefs, and attach them to himself. We have no control over these few vagabonds, and consider them not belonging to our nation; and will be thankful to any people that will put them to death, wherever they are found. As they are bad people, and have learnt to be so from the pretended prophet, and as he has been the cause of setting those people on our white brothers, we hope he will be active in reconciling them. As we all hear him say his heart is inclined for peace, we hope we may all see this declaration supported by his future conduct, and that all our women and children may lie down to sleep without fear."

Tecumseh, in reply to the Pottawattamies, said: "It is true we have endeavored to give all our brothers good advice; and if they have not listened to it, we are sorry for it. We defy a living creature to say we ever advised any one, directly or

indirectly, to make war on our white brothers. It has constantly been our misfortune to have our views misrepresented to our white brethren. This has been done by pretended chiefs of the Pottawattamies, and others that have been in the habit of selling land to the white people that did not belong to them."

The Shawanee chief, Tecumseh, was interrupted in his remarks, by the Delawares, whose speaker said: We have not met at this place to listen to such words. The red people have been killing the whites. The just resentment of the latter is raised against the former. Our white brethren are on their feet—their guns in their hands. There is no time for us to tell each other, *You have done this, and you have done that*. If there was, we could tell the prophet that both red and white people have felt the bad effects of his counsel. Let us all join our hearts and hands together, and proclaim peace through the land of the red people. Let us make our voices be heard and respected, and rely on the justice of our white brethren."

The Miamis said: "We feel happy that we all appear of one mind—that we all appear to be inclined for peace—that we all see that it would be our immediate ruin to go to war with the white people. We, the Miamis, have not hurt our white brethren since the treaty of Greenville. We would be glad if all other nations present could say the same. We will cheerfully join our brethren for peace; but we will not join you for war against the white people. We hope our brothers, the Pottawattamies, Kickapoos, and Winnebagoes, will keep their warriors in good order, and learn them to pay more respect to their women and children than they have done, by going and murdering the innocent white people."

The Kickapoos declared that they had made peace with Governor Harrison. "We have not two faces, and we despise those who have," said the orator of the Kickapoos. "The peace we have made with Governor Harrison we will strictly adhere to, and trouble no person, and hope none will trouble us."*

Soon after the great council on the Mississinewa was brought

* Dawson's Life of Harrison, p. 266; American State Papers—Indian Affairs, vol. iv, p. 810.

to a close, a large number of the Indians, who were present, went to Fort Wayne, and told Mr. Stickney, who was then an Indian agent at that place, that the northwestern tribes had determined to preserve peace with the United States. With respect to the Winnebagoes, Kickapoos, and Shawanees, the agent says: "I had, at length, to fetch the matter to this point—that, as they had told me many fine things that they meant to try to do, I would give them one moon to give up their murderers, and make the other necessary restitutions. I pledged myself that the army would not strike upon them, to destroy them in less than a moon. If the restitution was not made within that time, I would not hold myself accountable any longer for what the warriors might do to them. * * * They have dispersed with the appearance of a full determination to apprehend the murderers, and fetch them to justice."*

The Shawanee chief, Tecumseh, was not satisfied with the proceedings of the council that was held on the banks of the Mississinewa; nor was the peaceful disposition that was manifested at Fort Wayne, by the representatives of the Pottawatamies, Winnebagoes, and Kickapoos, a true expression of the sentiments with which those tribes regarded the people of the Indiana territory.

On the 18th of June, 1812, the United States, by an act of congress, made a formal declaration of war against Great Britain; and soon after this event, Tecumseh went to Malden, where he attached himself to the British service. The Miamis and the Delawares continued to make declarations of their friendship for the United States; but they expressed a wish to preserve a state of neutrality during the war.

Soon after Governor Harrison received official notice of the declaration of war against Great Britain, he visited Kentucky, for the purpose of holding a consultation with Governor Scott, of that State, in relation to the employment of a large force of Kentucky volunteers, who were ready to serve their country, by aiding in the defense of the Indiana and Illinois territories. During the war of 1812, the people of Kentucky, being themselves protected from incursions of the enemy, were distin-

* Letter from B. F. Stickney to Governor Hull, dated Fort Wayne, May 25, 1812.

guished for their readiness to furnish volunteers for the defense of the State of Ohio, and the territories of Indiana, Michigan, and Illinois.

From the month of May, until about the close of August, 1812, the frontier settlements of the Indiana territory were not materially disturbed by the acts of hostile Indians. Indeed, the Kickapoos, Shawanees, and Winnebagoes were, during this period, living in a state of pinching want. Before the middle of June, these tribes sent to Governor Harrison "a speech full of professions of friendship toward the United States," and requesting the governor "to send them some corn to prevent their families from starving." "They informed me, also," says Governor Harrison, "that twenty Pottawattamies had set out, seventeen days before, to commit murders on the Kaskaskia road. The substance of my answer was, that their professions of friendship could not be believed sincere, when they admitted that they had suffered a small party to pass their camp (containing seven hundred warriors) with the avowed intention of committing hostilities upon our citizens; and that they could calculate upon no assistance from us until the murderers of our people were delivered up. I pointed out to Colonel Russell a route by which a detachment of rangers might possibly intercept the war party; but I think it highly probable that no such party is out; and that the story is a fabrication of the Indians who communicated it, for the purpose of enhancing their merit with us. There is no doubt of the truth of that part of their address describing the extreme distress which prevails among them, from the want of provisions. They have no corn; and their hunting-ground, being confined to a comparatively small district, and that, too, not the best for game, they are obliged to live on roots and barks. Under these circumstances, it is not probable that they will leave their families to make a stroke in a considerable body. I am, therefore, no longer apprehensive for Vincennes, until the roasting ear season."*

The United States military post at Macinac, with a garrison consisting of fifty-seven men, under the command of Lieutenant

* Letter from Governor Harrison to the secretary of war, dated "Cincinnati, Ohio, July 7, 1812."

Hanks, was surrendered to a superior force, composed of British troops and Indians, on the 17th of July, 1812. On the 9th of August, 1812, Captain Nathaniel Heald, who was in command of Fort Dearborn, which stood at the site of Chicago, received orders from General Hull, requiring the garrison at Fort Dearborn to evacuate that post, and to move to Detroit. On the 13th of August, about thirty friendly Miamis, accompanied by Captain Wells, of Fort Wayne, arrived at Fort Dearborn, to act as an escort to the retiring garrison. On the 15th of August, the troops under the command of Captain Heald, consisting of fifty-four regulars and twelve militia, evacuated the fort, and, after marching about a mile and a half, were attacked by a superior Indian force, composed principally of Pottawattamies. The Indians killed twenty-six regulars, all of the militia, two women, and twelve children; and took twenty-eight prisoners. Captain Wells was among the slain. The loss of the Indians amounted to about fifteen killed. On the 16th of August, 1812, the town of Detroit, and the territory of Michigan, were surrendered by General Hull, without firing a gun, to the British forces, under the command of General Brock.* These successive, but temporary, triumphs of the British and Indian forces in the northwest, combined with other causes, induced the Kickapoos, Pottawattamies, Winnebagoes, and other northwestern tribes, to take up arms against the United States, and to send war parties to attack the white settlements in the Indiana territory.

In the early part of the month of September, parties of hostile Indians began to assemble, in considerable numbers, in the vicinity of Fort Wayne. About the same time, a strong party of warriors made an unsuccessful attack on Fort Harrison; while other bands of Indians penetrated the territory southeasterly as far as the frontiers of Clark and Jefferson counties, and massacred twenty-four persons, at a place which was called "the Pigeon Roost settlement," and which was situated within the present limits of Scott county.

On the evening of the 3d of September, two men, who were

* The troops, under the command of Hull, consisted of 340 regulars, and about 2000 militia and volunteers. Brock's force, consisting of regulars, militia, and Indians, amounted to about 1300.

making hay in the vicinity of Fort Harrison, were surprised, killed and scalped* by a scouting party of Indians; and, on the 4th of September, about eleven o'clock at night, a considerable body of Indians, composed of Winnebagoes, Kickapoos, Shawanees, Pottawattamies, and a few Miamis, commenced an attack on the fort, by setting fire to one of the blockhouses attached to it. Captain Zachary Taylor, and a small number of the men under his command, bravely resisted the attack, which continued without intermission until about six o'clock on the morning of the 5th of September, when the Indians abandoned the assault, and retired beyond the reach of the guns of the fort. In an official account of this action, written on the 10th of September, 1812, and addressed to Governor Harrison, Captain Taylor said—"About eleven o'clock I was awakened by the firing of one of the sentinels. I sprang up, ran out, and ordered the men to their posts—when my orderly sergeant, who had charge of the upper blockhouse, called out that the Indians had fired the lower blockhouse. * * * The guns had begun to fire pretty smartly from both sides. I directed the buckets to be got ready, and water brought from the well, and the fire extinguished immediately, as it was perceivable at that time; but, from debility, or some other cause, the men were very slow in executing my orders. The word "Fire!" appeared to throw the whole of them into confusion, and by the time they had got the water and broken open the door, the fire had, unfortunately, communicated to a quantity of whiskey * * * and, in spite of every exertion we could make use of, in less than a moment it ascended to the roof, and baffled every effort we could make to extinguish it. As that blockhouse adjoined the barracks that make part of the fortifications, most of the men immediately gave themselves up for lost, and I had the greatest difficulty in getting my

* At this business (scalping) the Indians are exceedingly expert. They seize the head of the disabled or dead enemy, and, placing one of their feet on the neck, twist their left hand in the hair. By this means, having extended the skin that covers the top of the head, they draw out their scalping knives, which are always kept in good order for this cruel purpose, and with a few dextrous strokes take off the part that is termed the scalp. They are so expeditious in doing this, that the whole time required scarcely exceeds a minute. —CARVER'S TRAVELS, [p. 213.]

orders executed. And, sir, what from the raging of the fire—the yelling and howling of several hundred Indians—the cries of nine women and children, (a part soldiers' and part citizens' wives, who had taken shelter in the fort,) and the desponding of so many of the men, which was worse than all—I can assure you that my feelings were unpleasant. And, indeed, there were not more than ten or fifteen men able to do a good deal; the others being sick, or convalescent; and, to add to our other misfortunes, two of the strongest men in the fort, and that I had every confidence in, jumped the pickets and left us. But my presence of mind did not for a moment forsake me. I saw, by throwing off a part of the roof that joined the blockhouse that was on fire, and keeping the end perfectly wet, the whole row of buildings might be saved, and leave only an entrance of eighteen or twenty feet for the entrance of the Indians, after the house was consumed; and that a temporary breastwork might be erected to prevent their even entering there. I convinced the men that this might be accomplished, and it appeared to inspire them with new life; and never did men act with more firmness and desperation. Those that were able (while the others kept up a constant fire from the other blockhouse and the two bastions) mounted the roofs of the houses, with Dr. Clark at their head, (who acted with the greatest firmness and presence of mind the whole time the attack lasted, which was about seven hours,) under a shower of bullets, and in less than a moment threw off as much of the roof as was necessary. * * * Although the barracks were several times in a blaze, and an immense quantity of fire against them, the men used such exertions that they kept it under, and, before day, raised a temporary breastwork as high as a man's head, although the Indians continued to pour in a heavy fire of ball, and an immense quantity of arrows, during the whole time the attack lasted. * * * After keeping up a constant fire until about six o'clock the next morning, which we began to return with some effect after daylight, they removed out of the reach of our guns. A party of them drove up the horses that belonged to the citizens here, and, as they could not catch them very readily, shot the whole of them in our sight, as well as a number of their hogs. They drove off the whole of the cattle, which amounted to sixty-five head, as well as the public oxen."

One of the men who jumped over the pickets, when the fort was attacked, was killed by the Indians. The other, having received a very severe wound, returned to the fort and begged for admission. . . After lying "close to the pickets, behind an empty barrel," until daylight, he was permitted to enter the fort. Of the men who remained in the fort, during the attack, two were killed, and two wounded. The loss of the Indians, which was very small, can not be stated with certainty.

When information of the attack on Fort Harrison was received at Vincennes, about twelve hundred men, under the command of Colonel William Russell, of the 7th regiment U. S. Infantry, marched from that place, for the purpose of punishing the Indians, and carrying relief to the besieged fort. The force under the command of Colonel Russell was composed of Colonel Wilcox's regiment of Kentucky volunteers, three companies of rangers, and two regiments of Indiana militia, commanded, respectively, by Colonel Jordan and Colonel Evans. When these troops, without meeting with any opposition on their march, reached Fort Harrison, on the 16th of September, the Indians had retired from the neighborhood of that place. On the 15th of September, however, a small detachment, composed of eleven men, under the command of Lieutenant Richardson, and acting as an escort of provisions sent from Vincennes, to be delivered at Fort Harrison, was attacked by a party of Indians, at a place which was then called "the Narrows," and which lies within the present limits of Sullivan county. It was reported that seven of the men composing the escort were killed, and one wounded. The provisions fell into the hands of the Indians.

The regiment of Kentucky volunteers, under the command of Colonel Wilcox, remained at Fort Harrison. The two regiments of Indiana militia, and the three companies of rangers, which had marched to the relief of the fort, returned to Vincennes.

CHAPTER XL.

PIGEON ROOST MASSACRE—INVESTMENT OF FORT WAYNE—GENERAL HOPKINS' ILLINOIS EXPEDITION—GOV. EDWARDS' ILLINOIS EXPEDITION—GEN. HOPKINS' WABASH EXPEDITION.

WITHIN the present limits of the county of Scott, there was, in 1812, a place that was called "the Pigeon Roost settlement." This settlement, which was founded by a few families, in 1809, was confined to about a square mile of land, and it was separated from all other settlements by a distance of five or six miles. In the afternoon of the 3d of September, 1812, Jeremiah Payne, and a man whose name was Coffman, who were hunting for "bee-trees" in the woods, about two miles north of the Pigeon Roost settlement, were surprised and killed by a party of Indians. This party of Indians, which consisted of ten or twelve warriors, nearly all of whom were Shawanees, then attacked the Pigeon Roost settlement, about sunset, on the evening of the 3d of September; and, in the space of about one hour, killed one man, five women, and sixteen children. The bodies of some of these victims of savage warfare were burned in the fires which consumed the cabins in which the murders were perpetrated. The persons who were massacred, at this settlement, were Henry Collings and his wife, Mrs. Payne, wife of Jeremiah Payne, and eight of her children, Mrs. Richard Collings, and seven of her children, Mrs. John Morris, and her only child, and Mrs. Morris, the mother of John Morris. Mrs. Jane Biggs, with her three small children, escaped from the settlement, eluded the vigilance of the Indians, and, about an hour before daylight, on the next morning, arrived at the house of her brother, Zebulun Collings, who lived about six miles from the scene of carnage. William Collings, who had passed the age of sixty years, defended his house, for the space of three-quarters of an hour, against the attacks of the Indians. In this defense, he was assisted by Captain John Norris. There were two children in the house. As soon as it began to grow dark, Mr. Collings and Captain

Norris, escaped with the two children (John Collings and Lydia Collings,) from the house, eluded the pursuit of the Indians, and, on the morning of the next day, reached the house of Zebulun Collings.

A number of the militia of Clark county immediately proceeded to the scene of the Pigeon Roost massacre, where they found several of the mangled bodies of the dead, surrounded by the smoking ruins of the houses. These remains of the murdered persons were brought together, and buried in one grave.

On the afternoon of the 4th of September, about one hundred and fifty mounted riflemen, under the command of Major John McCoy, followed the trail of the Indians about twenty miles, when "the darkness of the night" compelled them to give up the pursuit. A small scouting party under the command of Captain Devault, discovered and made an attack on the retreating Indians, who, after killing one of Captain Devault's men, continued their flight through the woods, and eluded the pursuit of the scouting party.

On the 6th of September, the militia of Clark county were reinforced by sixty mounted volunteers from Jefferson county, under the command of Col. William McFarland; and, on the evening of the 7th, about three hundred and fifty volunteers from Kentucky, were ready to unite with the Indiana militia of Clark and Jefferson counties, for the purpose of making an attack on the Delaware Indians—some of whom were suspected of having been engaged in the destruction of the Pigeon Roost settlement. It seems, however, that a spirit of rivalry, which prevailed among some of the officers, defeated the intentions of those who, at that time, proposed to destroy the towns of the friendly Delawares, who lived on the western branch of White river. After the time of the Pigeon Roost massacre, many of the settlers on the northern and western frontiers of Clark, Jefferson, Harrison, and Knox counties, lived in a state of alarm until the close of the war, in 1815. Mr. Zebulun Collings, who lived within six miles of the Pigeon Roost settlement, says: "The manner in which I used to work, in those perilous times, was as follows: On all occasions I carried my rifle, tomahawk, and butcher-knife, with a loaded pistol in my

belt. When I went to plow, I laid my gun on the plowed ground, and stuck up a stick by it, for a mark, so that I could get it quick in case it was wanted. I had two good dogs. I took one into the house, leaving the other out. The one outside was expected to give the alarm, which would cause the one inside to bark, by which I would be awakened, having my arms always loaded. I kept my horses in a stable, close to the house, having a porthole so that I could shoot to the stable door. During two years I never went from home with any certainty of returning—not knowing the minute I might receive a ball from an unknown hand; but in the midst of all these dangers, that God who never sleeps nor slumbers, has kept me.”

The hostile Indians who began to assemble in considerable numbers around Fort Wayne, about the 1st of September, 1812, continued to invest that fort, until it was relieved, by the approach of Kentucky and Ohio troops, from the danger of a general attack.

In the month of August, 1812, General Harrison received, from the Governor of Kentucky, the appointment of major-general, by brevet, of the Kentucky militia; and, as such officer, he was requested to take the chief command of all the troops which had been raised in that State for the defense of the northwestern frontiers. About two thousand Kentuckians, and seven hundred citizens of Ohio, marched under the command of General Harrison from the place of rendezvous, at Piqua, in Ohio, and arrived at Fort Wayne on the evening of the 12th of September. On the approach of the army, the hostile Indians retired, after having burned a few houses in the vicinity of the fort. During the investment of this post, three or four white men were killed by the Indians.

A distinguished Shawanee chief, Captain Logan, who accompanied the forces which marched to the relief of Fort Wayne, died in the latter part of November, from the effects of a wound received in a skirmish with a reconnoitering party of hostile Indians accompanied by a white man in the British service. In the course of the skirmish, which took place on the 22d of November, the white man was killed, and Winamac, a Pottawattamie chief of some distinction, fell by the rifle

of Logan; who then, being mortally wounded, retreated with two warriors of his tribe (Captain Johnny and Brighthorn) to the camp of General Winchester, where he soon afterward died. He was buried with the honors of war.

From the 13th to the 19th of September, different detachments of troops marched several miles over the districts of country which lie northwest, west, and southwest of Fort Wayne. These detachments destroyed a few deserted Indian villages and several cornfields. On the banks of the river Elkhart, a village which was the residence of the Pottawattamie chief, O-nox-see, or Five Medals, was burned by a detachment of troops under the command of Colonel Wells. The Miami village that was called Little Turtle's town, which stood on the banks of Eel river, about eighteen miles from Fort Wayne, was destroyed by a detachment under the command of Colonel Simrall; and another small Miami village, which stood near the forks of the Wabash, southwestward from Fort Wayne, was destroyed by a body of troops under the command of General Payne. No living Indians were found at any of these villages. The troops, after setting fire to the huts, cut up and destroyed large quantities of corn and vegetables, in order to make it a difficult task for the hostile Indians to find supplies of food.

On the 19th of September, General Harrison gave up the command of the troops, at Fort Wayne, to Brigadier-general James Winchester, who was a citizen of Tennessee, and who had been an officer in the revolutionary war. On the 24th of the same month, however, General Harrison, who was then at Piqua, in the State of Ohio, received dispatches by which he learned that the President of the United States had assigned to him the command of the northwestern army. This army, estimated at ten thousand men, was to be composed of the regular troops and rangers, in the west, the volunteers and militia of the States of Kentucky and Ohio, and three thousand men from the States of Virginia and Pennsylvania. The letter of instructions which was, on this occasion, addressed by the secretary of war to Brigadier-general Harrison, contained the following orders: "Having provided for the protection of the western frontier, you will retake Detroit; and, with a view to the conquest of Upper Canada, you will penetrate that country

as far as the force under your command will in your judgment justify."*

Surrounded by many difficulties, and opposed by many obstacles, Brigadier-general Harrison immediately began to make extraordinary exertions to carry into effect these instructions, which required him to provide for the protection of the northwestern frontier, to drive the British forces from Detroit, and to lead an invading army into Upper Canada.

Before Governor Harrison was invested with the command of the northwestern army, he had requested the governor of Kentucky to send from that State a military force sufficient, not only to aid in the protection of the frontiers of Indiana and Illinois, but strong enough, when reinforced by the militia of those territories, to carry on offensive operations against the hostile Indian tribes of the northwest. When Governor Shelby issued a proclamation, in which volunteers were invited to enter upon this service, the number of Kentuckians who responded to the call was so great that he was compelled to decline the offers of the services of several hundreds at Frankfort and at Louisville.

In the latter part of September, 1812, there were, at Vincennes, about two thousand mounted volunteers from Kentucky, under the command of General Samuel Hopkins, a gentleman who had acquired an honorable distinction as an officer of the revolutionary war. Gen. Hopkins was invested with the command of the troops which were intended to operate against the enemy in the districts of country lying on the borders of the river Wabash and in the vicinity of the river Illinois; and he was requested and instructed to make strenuous efforts to break up and destroy the settlements and villages of the hostile Indians who resided on the borders of those rivers.

Early in the month of October, General Hopkins moved from Vincennes, and made an attempt to carry an expedition against the Kickapoo villages in the Illinois territory; but, after the troops under his command, consisting of about two thousand mounted riflemen, had crossed the river Wabash at a

* Letter from secretary of war to General Harrison, dated Sept. 17, 1812.

point near Fort Harrison, and had marched for the space of four or five days in different courses over the prairies, the men and some of the officers exhibited a mutinous spirit, and the general was forced to abandon the expedition and return, in the rear of his retreating army, toward Fort Harrison. The following particulars, concerning the failure of this expedition, are copied from a letter which was written by Gen. Hopkins, at Fort Harrison, on the 26th of October, 1812, and addressed to Governor Shelby, of Kentucky:

"The expedition, with the mounted riflemen, has terminated. The Wabash was re-crossed yesterday, and the whole corps are on their way to Bosseron, where the adjutant-general will attend, in order to have them properly mustered and discharged; and where their horses may get forage during the delay necessary for this object. Yes, sir, this army has returned, without hardly getting the sight of an enemy. A simple narrative of facts, as they occurred, will best explain the reasons that led to this state of things. The army, having finished crossing the Wabash, on the 14th instant, marched about three miles, and encamped. I here requested [the presence] of the general field officers and captains, to whom I imparted the objects of the expedition, and the advantages that might arise from a fulfillment of them. The nearest Kickapoo villages were from eighty to one hundred miles distant; and Peoria not more than one hundred and sixty miles. By breaking them [up,] or as many as our resources would permit, would be rendering a service to all the territories; that, from their number, this tribe was more formidable than any other near us; and, from their situation and hostility, had it more in their power to do us mischief. Of course, to chastise and destroy these, would be rendering real benefit to our country. It was observed by some officers, they would meet the next morning, consult together, and report to me their opinions—desiring, at the same time, to be furnished with [an interview with] the persons on whom I had relied for intelligence of the country. This council was held, and all the intelligence furnished that had been requested; and I had a report highly favorable to the enterprise. This, to me, was more gratifying, as I had found, as early as our encampment at Vincennes, discontents and murmurings that portended no

wish to proceed further. At Bosseron I found an evident increase of discontent, although no army was ever better or more amply supplied with forage and rations than at this place. At Fort Harrison we encamped on the 10th, where we were well supplied with forage, etc. I found, on the 12th and 13th, many breaking off, and returning without applying to me for a discharge; and, as far as I know, without any notification to their officers. Indeed, I have every reason to suppose that the officers, of every grade, gave no countenance to such a proceeding, as I heard of only one officer * * * deserting in this way.

“Thinking myself secure in the confidence of my brother officers and the army, we proceeded on our march early on the 15th, and continued it four days—our course near north, in the prairie—until we came to an Indian house, where some corn, etc., had been cultivated. The last day of the march to this place I had been made acquainted with a return of that spirit of [discontent] that had, as I hoped, subsided; and when I ordered a halt near sunset, (for the first time that day,) in a fine piece of grass in the prairie, to aid our horses, I was addressed in the most rude and dictatorial manner, requiring me immediately to resume my march, or his battalion would break from the army and return. This was a Major * * *. I mention him, in justice to the other officers of that grade; but, from every information, I began to fear that the army waited but for a pretext to return. This was afforded the next day, by our guides, who had thought that they had discovered an Indian village at the site of a grove, about ten miles from where we encamped on the fourth night of our march, and turned us about six or eight miles out of our way. An almost universal discontent seemed to prevail, and we took our course in such a direction as we supposed would atone for the error in the morning. About or after sunset, we came to a thin grove, affording water. Here we took our camp; and about this time arose one of the most violent gusts of wind I ever remember to have seen, not proceeding from clouds. The Indians had set fire to the prairie, which drove on us so furiously, that we were compelled to fire [the prairie] around our camp to protect ourselves. This seems to have decided the army to return. I was informed of it in so many ways, that,

early the next morning, October 20th, I requested the attendance of the general and field officers, and stated to them my apprehensions—the expectations of our country—the disgrace attending the measure—the approbation of our own consciences. Against this, I stated the weary situation of our horses, and the want of provisions—which, to me, seemed only partial—six days only having passed since every part of the army was furnished with ten days' rations in bacon, beef, or bread-stuff. The reasons given for returning, I requested the commandants of each regiment, with the whole of the officers belonging to it, to take fully the sense of the army on this measure, * * * and to report to me in writing—adding, that if five hundred volunteers would turn out, I would put myself at their head, and proceed in quest of the towns; and the balance of the army might retreat, under the conduct of their officers, in safety, to Fort Harrison. In less than an hour the report was made, almost unanimously, to return. I then requested that I might dictate the course to be pursued that day only, which, I pledged myself, should not put them more than six miles out of their way—my object being to cover the reconnoitering parties I wished to send out for the discovery of the Indian towns. About this time—the troops being paraded—I put myself in front, took my course, and directed them to follow me. The columns moving off quite a contrary way, I sent Captain Taylor and Major Lee to apply to the officers to turn them. They were told that it was not in their power—the army had taken their own course, and would pursue it. Discovering great confusion and disorder in the march, I threw myself in the rear, fearing an attack on those who were there from necessity, and continued in that position the whole day. The exhausted state of the horses, nor the hunger of the men, retarded that day's march. * * * The generals—Ray, Ramsay, and Allen—lent all their aid and authority in restoring our march to order; and so far succeeded as to bring on the whole with much less loss than I had feared. Indeed, I have no reason to think we were followed, or menaced, by an enemy. I think we marched at least eighty or ninety miles in the heart of the enemy's country. * * * To officers commanding brigades, many of the field officers, captains, etc., my thanks are due. Many of the old Kentucky veterans, whose

heads are frosted by time, are entitled to every confidence and praise their country can bestow. * * * In the corps of spies and guides, under Major Dubois, and the two companies commanded by Kennedy and [Watkins,*] who encamped near me, and were under my immediate orders, I experienced an alertness and attention highly honorable to them. These corps were ready to have gone to execute any service. The whole amounted to about one hundred and twenty, and deserve honorable mention. Mr. Barron and Messrs. Lasselle and Laplante, interpreters and guides, deserve well of me. I am certain we were not twenty miles from the Indian village, when we were *forced* to retire; and I have many reasons to prove we were in the right way. I have, too, myself, (superadded to the mortification I feel at thus returning,) been in a bad state of health from first to last; and am now so weak, as not to be able to help myself on my horse."

On the 11th of October Colonel Russell, with two small companies of United States rangers, commanded by Captains Perry and Modrell, marched from the neighborhood of Vincennes to unite with a small force of mounted militia, under the command of Governor Edwards, of Illinois, and afterward to march, with the united troops, from Cahokia, toward lake Peoria, for the purpose of coöperating with General Hopkins, in making an attack on the Indian towns in that quarter. In a letter, dated "Camp Russell, October 31, 1812," and addressed to General Gibson, who was then the acting governor of the Indiana territory, Colonel Russell says: "I am at this place, where I joined Governor Edwards—whence, with a force of only three hundred and sixty privates, we set on foot an expedition. We penetrated very far in the Indian country, with an expectation of coöperating with General Hopkins, at Peoria, on the Illinois river. In this we were greatly disappointed, and could not hear from him in that quarter. This prevented us from doing as much mischief to the enemy as we would otherwise have done; as our force was too weak to make any stay in that quarter, and was further than any army has yet gone. We stole a march upon a principal Kickapoo town, situated about twenty miles up the Illinois river, above Peoria,

* The name in the manuscript before me is written illegibly.

and immediately at the head of Peoria lake. This was a well-built town, and contained a number of Indians. Opposite to this town, and also between the said town and river, was a dismal swamp, in which they immediately flew for shelter. Our men pursued them for three miles through this swamp, *up to their waists in mud and water*, and killed many of them as they were crossing the Illinois river. The governor states to me that there were upward of twenty found dead. The men also pursued them to the other bank of the river, and brought back their canoes with dead Indians in them. This was a flourishing town, with an immense quantity of Indian plunder, together with a great deal of corn, all of which was destroyed. I believe that not less than eighty horses fell into our hands belonging to the enemy. Several white persons' scalps were found among the Indian plunder. I had the immediate command of the battalion; but the chief command was lodged with his excellency, Governor Edwards. In this expedition we were fortunate, as we had but four wounded, none of which were mortal."

Immediately after the discharge of the mounted volunteers, whose mutinous conduct was deeply deplored by General Hopkins, that officer began to organize a military force, composed mainly of infantry, for the purpose of penetrating the Indian country as far as the Prophet's Town, and destroying the Indian villages which had been rebuilt in that quarter. The troops which were employed on this expedition, by General Hopkins, consisted of three regiments of Kentucky militia, commanded by Colonels Barbour, Miller, and Wilcox—a small company of regulars, commanded by Captain Zachary Taylor; a company of rangers, commanded by Captain Beckes; and a company of scouts or spies, under the command of Captain Washburn. The main body of this army moved from the place of rendezvous, at Vincennes, and arrived at Fort Harrison on the 5th of November. In a letter, dated "November 27, 1812," and addressed to Governor Shelby, of Kentucky, General Hopkins says:

"On the 11th [of November] the army marched from Fort Harrison, on the road formerly made by Governor Harrison's army; and the boats set out at the same time. The length of time the enemy had expected us made it necessary to guard

ourselves in an especial manner. The rise of the waters, from the heavy fall of rain preceding our march, and some large creeks, left us no doubt of considerable difficulty and embarrassment; insomuch that not until the 14th did we pass Sugar creek, three miles above the road. From every information, I had no hesitation in moving on the east side of the Wabash. The Vermillions, Pine creek, and other impediments on the west side, superadded to the presumption that we were expected, and might more easily be annoyed and ambuscaded on that route, determined me in this measure. The boats, too, with provisions of rations, forage, and military stores, could be more easily covered and protected, as the line of march could be invariably nearer the river. Lieutenant-colonel Barbour, with one battalion of his regiment, had command of the seven boats, and encamped with us on the bank of the river, almost every night. This so protracted our march, that we did not reach the Prophet's Town until the 19th.

"On the morning of this day, I detached three hundred men to surprise the Winnebago town lying on Ponce Passu [Ponceau pichou] creek,* one mile from the Wabash, and four below the Prophet's. This party, commanded by General Butler, surrounded the place about break of day, but found it evacuated. There were, in the main town, about forty houses, many of them from thirty to fifty feet in length, besides many temporary huts in the surrounding prairie, in which they had cultivated a good deal of corn.

"On the 20th, 21st, and 22d, we were embarked in the complete destruction of the Prophet's Town, which had about forty cabins and huts, and the large Kickapoo village adjoining below it, on the west side of the river, consisting of about one hundred and sixty cabins and huts—finding and destroying their corn, reconnoitering the circumjacent country, and constructing works for the defense of our boats and army.† Seven miles east of us, on the Ponce Passu creek, a party of Indians were discovered. They had fired on a party of ours, on the

* The name of "Wild Cat creek" was afterward given to this stream.

† "General Hopkins," says an officer who was attached to this expedition, "caused his camp to be strongly fortified, and an inner work of strong picketing to be erected for the reception of our sick, and the security of our stores."

21st, and killed a man by the name of Dunn, a gallant soldier in Captain Duval's company. On the 22d, upward of sixty horsemen, under the command of Lieutenant-colonels Miller and Wilcox, anxious to bury their comrade, as well as gain a more complete knowledge of their ground, went on to a point near the Indian encampment, fell into an ambuscade, and eighteen of our party killed, wounded and missing. * * * On the return of this party, and the information of a large assemblage of the enemy, who, encouraged by the strength of their camp, appeared to be waiting for us, every preparation was made to march early and engage the enemy at every risk; when, from the most violent storm and fall of snow, attended with the coldest weather I ever saw or felt at this season of the year, and which did not subside until the evening of the 23d, we were delayed until the 24th. Upon arriving on the ground, we found the enemy had deserted their camp before the fall of the snow, and passed the Ponce Passu. I have no doubt but their ground was the strongest I ever have seen. The deep, rapid creek spoken of was in their rear, running in a semicircle, and fronted by a bluff one hundred feet high, almost perpendicular, and only to be penetrated by three steep ravines. If the enemy would not defend themselves here, it was evident they did not intend fighting at all.

"After reconnoitering sufficiently, we returned to camp, and found the ice so accumulated as to alarm us for the return of the boats. I had fully intended to have spent one more week in endeavoring to find the Indian camps; but the *shoeless, shirtless state of the troops*, now clad in the remnants of their summer dress—a river full of ice—the hills covered with snow—a rigid climate, and no certain point to which we could further direct our operation—under the influence and advice of every staff and field officer, orders were given and measures pursued for our return on the 25th.*

"We are now progressing to Fort Harrison, through ice and

* The destitute condition of the troops, with respect to clothing, was very truly stated by General Hopkins. Pierre Laplante, a citizen of Vincennes, who accompanied the expedition, said, "We all suffered very much; but I pitied the poor Kentuckians. They were almost naked and barefoot—only thin linen hunting shirts—and the ground covered with snow, and the Wabash freezing up."

snow, where we expect to arrive on the last day of this month.
* * * Before I close this, I can not forbear expressing the merits of the officers and soldiers of this command. After leaving [at] Fort Harrison, all unfit for duty, we had, in privates of every corps, about one thousand—in the total, twelve hundred and fifty, or thereabout. At the Prophet's Town, upward of one hundred of these were on the sick report. Yet, sir, have we progressed in such order as to menace our enemy, free from annoyance; seven large keel boats have been covered and protected to a point heretofore unknown in Indian expeditions; three large Indian establishments have been burnt and destroyed, with near three miles of fence, (and all the corn, etc., we could find,) besides many smaller ones. The enemy have been sought in their strongholds, and every opportunity afforded them to attack or alarm us; a march on the east side of the Wabash, without road or cognizance of the country, fully one hundred miles perfected; and this has been done with a naked army of infantry, aided by only about fifty rangers and spies. All this was done in twenty days. No sigh, no murmur, no complaint.

“I certainly feel particular obligations to my friends General Butler and Colonel Taylor, for their effectual and ready aid in their line; as also to Captain Z. Taylor, of the seventh United States infantry; Messrs. Gist and Richeson, my aids-de-camp, and Major J. C. Breckinridge, my secretary, for prompt and effectual support in every instance. The firm and almost unparalleled defense of Fort Harrison, by Captain Z. Taylor, has raised for him a fabric of character not to be effaced by my eulogy. To Colonel Barbour, for his officer-like management in conducting and commanding the boats, my thanks are due; as also to Colonels Miller and Wilcox, and to Majors Hughes and Shacklet, and to the captains and subalterns of the army generally. From Lieutenants Richeson, Hawkins, and Sullivan, of the United States troops, I have to acknowledge my obligations for their steady and uniform conduct; as well as Captain Beekes, of the rangers; Captain Washburn, of the spies; and the staff generally.”

The detachment which fell into an ambuscade, on the 22d of November, was composed of Captain Beekes' company of rangers, several officers of the army, and a small number of

mounted militia. The surprise and defeat of this corps may be ascribed, notwithstanding the forbearing silence of General Hopkins, to the imprudence and rashness of some of the officers and privates who belonged to the detachment. In a letter written at Vincennes, on the 30th of November, 1812, Lieutenant Little, one of the party who fell into the ambushade on the 22d, said—"The presumption was that the army would march next morning; but when the morning came, the rangers were ordered out, with what volunteers could be raised * * * in order to bury the dead man. Prior to starting that morning, each man drew a pint of whisky. They had not drawn any for some time before. * * * We marched in three lines. Colonel Miller had the command, and commanded the right line; Lieutenant Teabold, the center line; and Colonel Wilcox commanded the left line; and I was in the rear of that line. We marched about six miles, when Colonel Miller discovered an Indian ahead. He pursued the Indian, without giving any other notice than raising the yell, and rode as hard as they could ride. The center line followed in the same disorder. I pressed our line to follow, to keep with the main body; they would not. I left the line, with one of my men only. We rode on rapidly, about a mile and a quarter, when we found ourselves among and surrounded by Indians in hundreds. They fired on us from all directions, as thick as hail. We immediately found that we were not able to fight them. * * * I was shot in the body, near the hip bone. * * * We retreated, in every kind of disorder, the best way we could. I was still able to ride, and got to camp, where we found that we had lost sixteen killed, and three wounded."

On the 18th of December, 1812, General Hopkins announced, in general orders issued at Vincennes, his determination to retire from military life. He said—"The commander-in-chief now closes his command, and, in all probability, his military services for ever. With tender and sincere affection he bids his brother officers and soldiers farewell—their virtue, courage and patriotism, he has justly represented to their country."

CHAPTER XLI.

MOVEMENTS OF GENERAL HARRISON — COLONEL CAMPBELL'S MISSISSINEWA EXPEDITION.

DURING the months of October, November, and December, 1812, the commander-in-chief of the northwestern army continued to use extraordinary exertions to establish at the Rapids of the Maumee a grand deposit of provisions and military stores; and to concentrate, in the vicinity of that place, a force fully sufficient to recover the possession of Detroit from the British, and to invade the country of Upper Canada. In the making of necessary preparations to accomplish these objects, General Harrison was embarrassed by the constant presence of great difficulties. It was, during this period, his duty to "provide for the safety of the whole northern and western frontier, from the confines of Ohio and Pennsylvania to the territory of Missouri, inclusive."* His movements against the enemy were retarded, by the building of forts, the opening of wagon roads through forests and swamps, the establishing of magazines of provisions at suitable points in the wilderness, and the want of arms, ammunition, blankets, and winter clothing for the troops under his command. In a letter, dated "Franklinton, October 13, 1812," addressed to the secretary of war, General Harrison said—"I am fully sensible of the responsibility vested in me by your letter of the 23d ultimo. I accepted it with full confidence of being able to effect the wishes of the President, or to show, unequivocally, their impracticability. If the fall should be very dry, I will take Detroit before the winter sets in; but if we should have much rain, it will be necessary to wait at the Rapids until the Miami of the lakes [the Maumee] is sufficiently frozen over to bear the army and its baggage."

In a letter of the 22d of October, 1812, addressed to the secretary of war, General Harrison said—"I am not able to fix any period for the advance of the troops to Detroit. It is pretty evident that it can not be done upon proper principles

* Dawson's Life of Harrison, p. 300.

until the frost shall become so severe as to enable us to use the rivers, and the margin of the lake, for transportation of the baggage and artillery upon the ice. To get them forward through a swampy wilderness of near two hundred miles, in wagons or on packhorses, which are to carry their own provisions, is absolutely impossible. * * * It was suggested to me a few days ago, by a member of congress, that the possession of Detroit by the enemy would, probably, be the most effectual bar to the attainment of peace. If this were really the case, I would undertake to recover it, with a detachment of the army, at any time. A few hundred packhorses, with a drove of beeves, (without artillery and heavy baggage,) would subsist the fifteen hundred or two thousand men, which I would select for the purpose, until the residue of the army could arrive. But, having in view offensive operations *from Detroit*, an advance of this sort would be premature, and ultimately disadvantageous.”

On the 4th of January, 1813, General Harrison wrote, to the secretary of war, a letter, in which the following passages appear: “My plan of operations has been, and now is, to occupy the Miami [Maumee] Rapids, and to deposit there as much provisions as possible; to move from thence with a choice detachment of the army, and with as much provision, artillery, and ammunition, as the means of transportation will allow—make a demonstration toward Detroit, and, by a sudden passage of the strait upon the ice, an actual investure of Malden. * * * Such is the nature of Indian warfare, that it is impossible to tell where the storm will fall. It is a rule, therefore, with me, when operating against them, never to make a detachment, neither to the front nor the rear, which is not able to contend with their whole force. From these statements, you will perceive, sir, how difficult it would be for me, at present, to ascertain, with any degree of correctness, the number of men with which I should advance from the Rapids. It was my intention to have assembled there, from four thousand five hundred to five thousand men; and to be governed by circumstances in forming the detachments with which I should advance. This is still my plan; and it was always my intention to dismiss, at that period, all that I deemed superfluous. * * * Notwithstanding the large nominal amount of the army under

my command, [ten thousand men] their sufferings for the want of clothing, and the rigor of the season, reduces the effective number to less than two-thirds of the aggregate. You will read with as much pain as I write it, that a fine body of regular troops, belonging to the 17th and 19th regiments, under Colonel Wells, has been nearly destroyed for the want of clothing. The whole of the effective men upon this frontier does not exceed six thousand three hundred infantry. Upon the whole, sir, my reaching Malden, this winter, depends upon circumstances which I can not control—the freezing of the strait in such a manner as to enable me to pass over the troops and artillery.”

The failure of the mounted expedition that marched from Fort Harrison, under the command of General Hopkins, against the Kickapoo towns of Illinois—the hostile acts of some of the Miamis—and the facilities which this tribe possessed, on account of the situations of their principal villages, to attack the white settlements, or to furnish aid to other hostile tribes—seemed to render it necessary to break up and destroy the Miami settlements on the borders of the river Mississinewa, in the Indiana territory. Although the Miamis, generally continued to make public declarations of their determination to maintain a neutral position in the war between the United States and Great Britain, yet, at this time, the consideration of several circumstances induced General Harrison to discredit these professions of neutrality. Some of the Miamis had been engaged in the besieging of Fort Wayne; others had been engaged in the attack on Fort Harrison; one of their warriors, at least, was present at the Pigeon Roost massacre; some of them had told the Delawares that they, the Miamis, had “taken up the tomahawk;” and they had refused to attend a council at Piqua, Ohio, although they were informed that their failure to do so “would be considered as evidence of their having withdrawn from the protection of the United States.”*

The duty of attacking and destroying the Miami villages on the river Mississinewa, was assigned, by General Harrison, to a detachment of about six hundred mounted men, commanded

*Letter from Gen. Harrison to sec. of war, dated, Franklinton, Oct. 13, 1812.

by Lieutenant-colonel John B. Campbell, of the 19th regiment United States infantry. The detachment was composed mainly, of a regiment of Kentucky dragoons, commanded by Colonel Simrall, a squadron of United States volunteer dragoons, commanded by Major James V. Ball, and a corps of infantry, consisting of Captain Elliott's company of the 19th United States regiment, Butler's Pittsburg Blues, and Alexander's Pennsylvania riflemen. A small company of spies and guides formed a part of the detachment.

On the 25th of November, Lieutenant-colonel Campbell was instructed to march, with his forces, from Franklinton, toward the Mississinewa villages, by the way of Springfield, Xenia, Dayton, Eaton, and Greenville. "The route by Greenville," says General Harrison, in his letter of instructions to Lieutenant-colonel Campbell, "is to be preferred, on account of its being more distant from the Delaware towns, which I wish you by all means to avoid. The Delawares have been directed to leave their towns, and retire to the Shawanee establishment on the Auglaize river. Their route to the latter place will cross yours; and there is a possibility of your falling in with them. This would be unfortunate, as the faith of the government has been pledged for their safety. It will be necessary that care should be taken to avoid coming in contact with them; or to avoid any ill consequences, should it happen to be the case. Inform yourself, as minutely as possible, from Conner and others who have been to Mississinewa, of the localities of the place, and the situation of the Indians. * * * There are, however, some of the [Miami] chiefs who have undeviatingly exerted themselves to keep their warriors quiet, and to preserve their friendly relations with us. This has been the case with reference to Richardville, (a half Frenchman, the second chief of the Miamis) Silver Heels, [and] the White Loon certainly, and, perhaps, of Pecan, the principal chief of the Miamis, and Charley, the principal of the Eel river tribe. It is not my wish that you should incur any risk in saving those people; but, if it can be done without risk, it would be extremely gratifying to me, and, no doubt, to the president. The same remark will also apply to the son and brother of the Little Turtle, who continued, to his last moments, the warm friend of the United States, and who, in the course of his life, rendered them many

important services. Your own character as a soldier, and that of your troops, is a sure guarantee of the safety of the women and children. They will be taken, however, and conducted to the settlements. * * * The utmost vigilance of your guards will not, however, afford you perfect security. Your men must, at all times, be kept ready for action, by night as well as by day. When you advance into the enemy's country, your men must be made to lie upon their arms, and with their accouterments on. * * * Should the Indians discover you, and leave the towns, and should you not be able to come up with them, but should, by the capture of a woman, or an old man, have an opportunity of sending a message to them, you will be pleased to do so—informing them that, if they will send in six of their principal chiefs as hostages to perform such terms as the government may impose upon them, we will cease to annoy them. There are, probably, some white men at Mississinewa; but I am uncertain whether they are citizens of the United States or not. The safe way will be not to kill them, if it can be prevented. An old Canadian, by the name of Godfroy, has lived there several years, and has a squaw for his wife. He is, and always has been, a friend to the United States. There will be no difficulty in saving him, as his house is apart from the rest."

The expedition which was organized for the purpose of destroying the Miami villages on the Mississinewa, did not march from Dayton until the 14th of December. The advance of the troops was delayed, chiefly, by the difficulties which attended the procuring of the necessary number of horses for the infantry. The ground was covered with snow, and the coldness of the air was unusually severe. Each man was required to carry twelve days' rations of provisions, and a bushel of corn. In an official report, addressed to General Harrison on the 25th of December, 1812, from Greenville, Lieutenant-colonel Campbell says: "The first two days [14th and 15th of December], I marched forty miles. The third day I pushed the troops as much as they could bear—marched the whole night, although very cold; stopping twice to refresh and warm. This day and night we marched forty miles. Early in the morning of the 17th, I reached, undiscovered, an Indian town on the Mississinewa, inhabited by a number of Delawares and

Miamis. The troops rushed into the town, killed eight warriors, and took forty-two prisoners, eight of whom are warriors; the residue are women and children. I ordered the town to be immediately burned—a house or two excepted, in which I confined the prisoners—and the cattle and other stock to be shot. I then left the infantry to guard the prisoners, and, with Simrall's and Ball's dragoons, advanced to some Miami villages, a few miles lower down the Mississinewa, but found them evacuated by all but a sick squaw, whom we [left] in her house. I burnt, on this occasion, three considerable villages, took several horses, killed many cattle, and returned to the town I first burnt, where I left the prisoners, and encamped. My camp was in the usual form, but it covered more ground than common. The infantry and riflemen were in the front line, Captain Elliott's company on the right, Butler's in the center, Alexander's on the left. Major Ball's squadron occupied the right and one-half of the rear line; Colonel Simrall's regiment the left, and the other half of the rear line. Between Ball's right and Simrall's left, there was an interval which had not been filled up, owing to the unusual extent of the ground the camp embraced—it having been laid off in my absence to the lower towns. I now began to deliberate upon our future movements—whether to go on further, encumbered with prisoners—the men much fatigued, and many frost-bitten—horses suffering from the want of forage, which was very partially relieved by the scanty supplies of corn obtained in the towns—or return. I determined to convene the field-officers and captains of detachments to consult, and then take such a course as my own judgment might approve. At four, on the morning of the 18th, I ordered the reveille to be beaten, and the officers convened at my fire a short time afterward. While we were in council, and about half an hour before day, my camp was most furiously attacked by a large party of Indians, preceded by and accompanied with a most hideous yell. This immediately broke up the council, and every man ran to his post.

“The attack commenced upon that angle of the camp formed by the left of Captain Hopkin's troops and the right of Captain Garrard's, but in a few seconds became general from the entrance of the right to the left of Ball's squadron. The enemy

boldly advanced to within a few yards of the lines, and seemed determined to rush in. The guards posted at the different redoubts retreated to camp, and dispersed among their different companies, thus leaving me without a disposable force. Capt. Smith, of the Kentucky light dragoons, who commanded one of the redoubts, in a handsome and military manner kept his position, although abandoned by half his guards, until ordered to fill up the interval in the rear line between the regiment and squadron. The redoubt at which Capt. Pierce commanded was first attacked. The captain maintained his position until it was too late to get within the line. He received two balls through his body, and was tomahawked. He died bravely, and much lamented. The enemy then took possession of Capt. Pierce's redoubt, and poured in a tremendous fire upon the angle to the right and left of which were posted Hopkins' and Garrard's troops. But the fire was as warmly returned. Not an inch of ground was yielded. Every man, officer, and soldier stood firm, and animated and encouraged each other. The enemy's fire became warm on the left of the squadron, at which Captain Markle's troop was posted; and the right of Elliott's company, which, with Markle's, formed an angle of the camp, was severely annoyed by the enemy's fire. I had assisted in forming the infantry, composed of Elliott's company of the 19th United States regiment, Butler's Pittsburg Blues, and Alexander's Pennsylvania riflemen, and ordered them to advance to the brink of a declivity, from which they could more effectually defend themselves, and harass the enemy, if they should attempt an attack on that line. * * * While I was thus engaged, Major Ball rode up to me and observed that he was hard pressed, and must be relieved. I galloped immediately to the left wing, with an intention of ordering Captain Trotter's troops to reinforce the squadron, but was there informed that the enemy was seen approaching in that direction; and believing it improper, on second thought, to detach a large troop from that line, which also covered an angle of the camp, I determined to give the relief from the infantry. I wheeled my horse, and met Major McDowell, who observed that the spies and guides under the command of Capt. Patterson Bain, consisting of ten men, were unemployed. We rode to them together, and ordered Capt. Bain to the sup-

port of the squadron. Seven of them, to wit: James Adrian, William Conner, Silas McCullough, James Thompson, James Noggs, John Ruland, and Joseph G. McClelland, followed their brave leader, and rendered most effectual assistance. I then ordered Captain Butler, with the Pittsburg Blues, to repair immediately to reinforce the squadron; and directed Captains Elliott and Alexander to extend to the right and left and fill the interval occasioned by the withdrawal of the Blues. Capt. Butler, in a most gallant manner, and highly worthy of the name he bears, formed his men immediately and in excellent order, and marched them to the point to which he was ordered. The alacrity with which they formed and moved was never exceeded by any troops on earth. Hopkins made room for them by extending his troop to the right. The Blues were scarcely at the post assigned them, before I discovered the effects they produced. A well-directed fire from them and Hopkins' dragoons nearly silenced the enemy in that quarter. They [the enemy] then moved in force to the left of the squadron and right of the infantry, at which [point] Captains Markle's and Elliot's companies were posted. Here, again, they were warmly received. * * * At this time daylight began to dawn. I then ordered Capt. Trotter, whose troop had been ordered by Colonel Simrall to mount for the purpose, to make a charge. The captain cried out to his men to follow him; and they tilted off at full gallop. * * * Major McDowell, with a small party, rushed into the midst of the enemy, and exposed himself very much. I can not say too much for this gallant veteran. Capt. Markle, with about fifteen of his troop, and Lieut. Warren, also made a daring charge on the enemy. Capt. Markle avenged the death of his relation, Lieut. Waltz, upon an Indian with his own sword. * * * Fearing that Captain Trotter might be too hard pressed, I ordered Captain Johnson, of the Kentucky light dragoons, to advance with his troops to support him. I found Johnson ready, and Colonel Simrall reports to me that all his other captains, viz: Elmore, Young, and Smith, were anxious to join the charge; but I called for only one troop. The colonel had the whole in excellent order. Captain Johnson did not join Trotter till the enemy was out of reach. He, however, picked up a straggler or two that Trotter had passed over. The cavalry returned

and informed me the enemy had fled precipitately. I have on this occasion to lament the loss of several brave men, and many wounded; among the former are Captain Pierce, of the Ohio volunteers, and Lieutenant Waltz, of Markle's troop."

In this engagement, which lasted about one hour, the loss of the troops, under the command of Lieutenant-colonel Campbell, amounted to eight killed and forty-two wounded; and several afterward died of their wounds. "The number of horses killed," says the commanding officer, "was considerable; and I have no doubt they saved the lives of a great many men."* Fifteen Indians were found dead on the battle-ground; and it is probable that an equal number were carried away from the field dead, or mortally wounded, before the close of the action. The Indian force engaged in the battle was inferior, in numbers, to that under the command of Lieutenant-colonel Campbell, who, in his official report, says: "I am persuaded that there could not have been less than three hundred of the enemy." A nephew of the great Miami chief, Little Turtle, was in the engagement. His name was "Little Thunder;" and he distinguished himself by his efforts to inspire the Indians with courage and confidence.

Nearly all of the Indians who were taken prisoners, at this time, were Munsies, and were included among those who composed Silver Heels' band. The villages which were destroyed were situated on the banks of the river, at points from fifteen to twenty miles distant from its junction with the Wabash, where the principal Mississinewa village stood. The want of provisions and forage—the loss of horses—the suffering condition of the troops—the severity of the cold—and the rumors of a large Indian force at the Mississinewa village, under the command of Tecumseh—induced Lieutenant-colonel Campbell to send an express to Greenville for reinforcements, and to commence, immediately, his march toward that post. His camp was fortified every night by a breastwork. The expedition was compelled to move slowly on its return, owing to the condition of the wounded men—seventeen of whom were carried on litters. The intense coldness of the weather—the

* Colonel A. C. Pepper, who was in the engagement, states that one hundred and seven horses were killed.

scarcity of provisions among the Indians—and their fear of killing the prisoners, combined to save the retiring troops from the pursuit and annoyance of about one hundred and thirty Miamis. At a place, about forty miles from Greenville, the suffering expedition was met, and furnished with supplies, by a detachment, consisting of ninety men, under the command of Major Adams. The numbers of men rendered unfit for duty, by being frost-bitten, on their arrival at Greenville, were—in Major Ball's squadron of dragoons, 107; in Colonel Simrall's regiment of dragoons, 138; and in the corps of infantry and riflemen, 58.

Lieutenant-colonel Campbell sent two messages to the Delawares, who lived on White river, and who had been previously directed and requested to abandon their towns on that river, and to remove into the State of Ohio. In these messages he expressed his "regret at unfortunately killing some of their people," and urged them to move to the Shawanee settlement on the Auglaize river. He "assured them that their people, in his power, would be compensated, by the government, for their losses, if found not to be hostile; and the friends of those killed satisfied by presents, if such satisfaction would be received."

About the middle of the eighteenth century the Delawares, whose old name was Lenni Lenape, began to remove, from the eastern side of the Allegheny mountains, to the country northwest of the river Ohio. In the spring of 1801 a few Christian Indians removed from the Delaware villages—which stood about the head waters of the Muskingum—to White river, in the Indiana territory, where they attempted to establish a mission for the instruction of the Delawares who lived on the borders of that river. This band of missionaries was composed of "the brethren Natuge and Luckenbach, from Bethlehem, together with three respectable families of Christian Indians, among whom was Joshua, a national chapel interpreter."* It seems that the Delawares, on White river, were not much improved by the sincere labors of these missionaries; and the mission was broken up, before the close of the year 1806, by the machinations of the Shawanee prophet.

* Heckewelder's Narrative, p. 407.

Soon after the battle of Mississinewa, the main body of the Delawares, together with a small number of Miamis, moved into the State of Ohio, and placed themselves under the protection of the government of the United States. The Shawanee prophet, and some of the principal chiefs of the Miamis, retired from the borders of the Wabash; and, with their destitute and suffering bands, moved to Detroit, where they were received as the friends and allies of Great Britain. The British troops continued to occupy Detroit until the latter part of the month of September, 1813—when they dismantled the fort, burnt the public buildings, and evacuated the place, on the near approach of the army under the command of General Harrison. Detroit was again occupied by a detachment of the northwestern army; and while General Harrison was pursuing the retreating General Proctor, the Ottawas, Chippewas, Potawatamies, Miamis, and Kickapoos, who were in the neighborhood of Detroit, finding themselves deserted by their British allies, began to sue for peace with the United States. “I have agreed,” says Brigadier-general McArthur, in a letter of October 6, 1813,* “that hostilities should cease for the present, on the following conditions: They have agreed to take hold of the same tomahawk with us, and to strike all who are, or may be, enemies to the United States, whether British or Indians.”†

* Addressed to the secretary of war.

† The following was published in a Kentucky newspaper as the speech of the Indians who submitted to General McArthur:

“Father, we are now unarmed. We are at your mercy; do with us as you think proper. Our squaws and children are perishing. We ourselves are perishing. If you take us by the hand, we are willing to take up the tomahawk against any power, either white or red, that you may direct.”—
SEE NILES’ REGISTER, vol. v, p. 185.

CHAPTER XLII.

VIEWS OF ACTING-GOVERNOR GIBSON — TERRITORIAL LEGISLATION —
EXPEDITIONS AGAINST HOSTILE INDIAN VILLAGES.

THE legislature of the Indiana territory was not convened in the year 1812; but, on the 18th of December, in that year, General John Gibson, the secretary and acting governor of the territory, issued a proclamation, in which he required the territorial legislature to meet, at Vincennes, on the 1st of February, 1813. The opinions which were entertained by Governor Gibson, on the subject of the war between the United States and Great Britain, as well as his views in relation to the public affairs of the Indiana territory, were expressed, somewhat quaintly, in a message which he delivered to the legislative council and house of representatives, on the 2d of February, 1813. In this message General Gibson said: "The governor of the territory having been, for some time, absent from us, the gubernatorial functions consequently devolving upon, have been exercised by me. In my discharge of this important trust, I have been actuated by none other than a wish to preserve public rights and protect private property. If I have, at any time, failed in my official duties, or erred in my plans, you must attribute it to the head and not the heart. My address to you, gentlemen, shall be laconic, for I am not an orator, nor accustomed to set speeches; and did I possess the abilities of Cicero or Demosthenes, I could not portray, in more glowing colors, our foreign and domestic political situation than it is already experienced within our own breasts. The United States have been latterly compelled, by frequent acts of injustice, to declare war against England. I say compelled; for I am convinced, from the pacific and agricultural disposition of her citizens, that it must be a case of the last necessity that would induce such a measure. For the detailed causes of the war, I beg leave to refer you, gentlemen, to the message of his excellency, the president, to congress, at the commencement of the present session. It is highly worthy the serious perusal of the

sage and the patriot. It does honor to the head and heart of Mr. Madison. Although I am not an admirer of wars in the general, yet, as we are now engaged in a necessary and justifiable one, I can exultingly say that I am happy to see, in my advanced days,* our little but inimitable navy riding triumphant on the seas; but chagrined to find that our armies by land are so little successful. The spirit of '76 appears to have fled from our continent; or, if not fled, is at least asleep, for it appears not to pervade our armies generally. On the contrary, lassitude—and, too often, schisms—have crept in and usurped the place of patriotic ardor.

“At your last assemblage, gentlemen, our political horizon seemed clear; our infant territory bid fair for rapid and rising grandeur; our population was highly flattering; our citizens were becoming prosperous and happy; and security dwelt every where, even on our frontiers. But, alas! the scene has changed; and whether this change, as it respects our territory, has been owing to an over anxiety in us to extend our dominions, or to a wish for retaliation by our foes, or to a foreign influence, I shall not pretend to decide. But that there is a change, and that, too, a distressing one, is evident. For the Aborigines, our former neighbors and friends, have become our most inveterate foes. They have drawn the scalping knife, and raised the tomahawk; and shouts of savage fury are heard at our thresholds. Our former frontiers are now our wilds, and our inner settlements have become frontiers. Some of our best citizens, and old men worn down with age, and helpless women, and innocent babes, have fallen victims to savage cruelty. Our citizens, even in our towns, have frequent alarms and constant apprehensions as to their preservation. I have not been inattentive to my duty, gentlemen; but have hitherto, and shall continue to exert every nerve to afford to our citizens all possible protection; and it is to be hoped that the all-wise and powerful Creator and Governor of the Universe will not forget his people, but cover us from our savage and sanguinary foe by his benign interposition.”

At this period, there were, pressing upon the legislature, numerous complaints of the defects of the militia law of the

*General Gibson was born in 1740, in Lancaster, Pennsylvania.

territory. Governor Gibson, however, was inclined to attribute the defects of which the people complained, not to any inherent imperfection of the law, but to the incapacity of officers, and the imperfect manner in which the law was administered. He says—"To me it seems that the principal defect is owing to the execution, not to the law. It is an old and, I believe, a correct adage, that "*good officers make good soldiers.*" This evil having taken root, I do not know how it can be eradicated; but it may be remedied. *In place of men searching after, and accepting of commissions, before they are even tolerably qualified, thereby subjecting themselves to ridicule, and their country to ruin, barely for the name of the thing, I think may be remedied by a previous examination.* This, however, among other important territorial concerns, rests with the legislature."

Between the 1st of February and the 12th of March, 1813, the territorial legislature of Indiana passed thirty-two laws. The more important provisions of these laws were designed to improve the navigation of White Water—to fix the seats of justice in new counties—to organize the counties of Warrick and Gibson—to fix the times of holding courts in the territory—to regulate taverns—to open and improve roads and highways—to regulate the granting of divorces—to "help poor persons in their suits"—to regulate the inspection of flour, beef, and pork—to provide for a permanent revenue—to remove the seat of the territorial government from the town of Vincennes to the town of Corydon, in Harrison county, etc. The following clauses are copied from the second section of the "Act to reduce into one the several acts establishing a permanent revenue:—"The following taxes shall be paid annually for one hundred acres, and so on in proportion for a greater or less quantity—of first rate land, seventy-five cents; second rate, fifty cents; third rate, twenty-five cents. For every slave or servant of color, above twelve years of age, two dollars. * * * For every retail store, twenty dollars. Town lots are subject to a tax in the proportion of fifty cents on every hundred dollars of their value, which is estimated by the commissioner, including the improvement, and if the owner thinks himself aggrieved by such appraisement, he has the right of appeal to the next court of common pleas, who can alter the assessment to what they may think just. For every

tavern, not more than twenty dollars. For every ferry, not more than ten dollars. For every billiard table, fifty dollars."

By an act which was approved on the 11th of March, the seat of government of the Indiana territory was declared to be fixed at the town of Corydon, "from and after the first day of May," 1813. After a session of about forty days, the general assembly, in conformity with a joint resolution of both houses, was prorogued, by a proclamation of Governor Gibson, to meet at Corydon, on the first Monday of December, 1813.

The defenseless condition of the Indiana territory, and the alarm which prevailed among the frontier settlers, induced the acting governor, General Gibson, in the course of the year 1813, to call into the service of the United States about sixteen companies of territorial militia, for the purpose of guarding the settlements, and building blockhouses, for the protection of the settlers. In the course of the same year, several companies of United States rangers were employed in the territory for similar purposes. On the 27th of February, 1813, Mr. Jennings, the territorial delegate in congress, from Indiana, addressed to the citizens of the territory a letter, in which he said—"The general government has authorized me to inform you that four additional companies of rangers may be raised in our territory for the protection of its frontiers. Each company to consist of one captain, three lieutenants, an ensign, five sergeants, and six corporals, and ninety privates. * * * When we shall realize the return of peace, I am unable to say, though I hope and expect that another year, or less, will, in a great measure, remove the danger to which we have been exposed from the indiscriminate tomahawk and scalping knife of the savage."

The Indians did not, in the year 1813, venture to attack any of the forts or blockhouses in the Indiana territory; but small scouting parties, belonging to the hostile tribes, often penetrated the settlements, eluded the vigilance of the rangers, killed one or more of the white settlers, stole horses, and escaped from the hot pursuit of the militia. On the 18th of February, a man was killed by Indians, on the right bank of the Wabash, about twenty miles below Vincennes. On the 3d of March, the Indians killed two white men, in the Illinois territory, about seven miles from Vincennes; and, about the same time, twenty horses were stolen from citizens who resided

in the vicinity of that town. On the 13th of March, two men were killed in Franklin county, about thirteen miles from Brookville, and three persons were killed in Wayne county, about the same time.* On the 18th of March, the Indians killed one man, and wounded three men, near Valonia. At a point five miles below Fort Harrison, a boat, having a small number of men, and some provisions on board, was attacked by a party of Indians, on the 28th of March. Of the boatmen, two were killed and six wounded.† On the 16th of April, at a place about eight miles southwest of Valonia, two men were killed, and one man wounded, by a party of Indians. On the 15th of July, a citizen of Vincennes was shot, stabbed, and scalped by Indians, in the neighborhood of that place.

The condition of the exposed settlements, the nature of the service that was performed by detachments of militia companies, and the manner in which the scouting bands of hostile Indians carried on their warfare against the white settlers, are described, with a good deal of accuracy, in a letter which was addressed to Governor Gibson, by Major John Tipton, on the 24th of April, 1813. In this letter, which was written at Valonia, Major Tipton said:—"Since I have had command of the militia stationed on the frontiers of Harrison and Clark counties, there has been much mischief done by the Indians in those counties, of which I have made correct reports to Col. Robert M. Evans, believing it his duty to make report to you. * * * On the 18th of March, one man was killed and three wounded near this place. At that time I was not here. On my arrival, I took twenty-nine men; went up Driftwood river twenty-five miles. I met a party of Indians on an island in the river—a smart skirmish took place; and, in twenty minutes, I defeated them: killed one dead on the ground, and saw some sink in the river; and I believe all that made their escape by swimming the river, if any done so, lost their guns. I lost no men, killed nor wounded. On the 16th inst., two men were killed, and one wounded, eight miles southwest of this place, and five

* Letter from James Noble to Henry Hurst, dated Brookville, April 12, 1813.

† Letter from Colonel R. M. Evans to Major John Tipton, dated Vincennes, March 29, 1813.

horses stolen. I immediately took thirty-one men and followed them three days, notwithstanding we had five large creeks to raft, and many to wade more than waist deep; and every day heavy rain. The third day I directed my spies to march slow, (as I found the Indian horses were much fatigued,) and not try to overtake them until night. But, contrary to my orders, they came up with one that had stopped behind to fix his pack, and fired at him. From his motions they think he was mortally wounded, as he fell, but raised and run away. They all left their horses and other plunder; and, the ground being hilly, we could not catch them, as they were on a high hill, and we were in a deep hollow, except the spies. Had it not been for my orders being disobeyed, I would certainly have killed them all at their camp the ensuing night. In their way out, they passed the Saline or Salt creek, and there took an old trail leading direct to the Delaware towns; and it is my opinion, that while the government is supporting one part of that tribe, the other part is murdering our citizens.

“It is much to be desired that those rascals, of whatever tribe they may be, harboring about those towns, should be routed, which could be done, with one hundred mounted men, in seven days. * * * If there is not effective measures taken to guard this place, the whole of Clark and Harrison counties will break. It is rumored here that when the rangers come out, the militia will be dismissed. If so, our case is a dangerous one; as it is hard for mounted men to range through the swamps and backwater of Driftwood and Muscackituck rivers, as they have been most of the season more than a mile wide, by reason of low marshy bottoms that overflow, and, many times, three or four miles wide. They [the Indians] come in then, and secrete themselves in some high ground, surrounded by water, and by help of bark canoes come in and do mischief, and until I came out never could be found. Since I came out they have made two attempts to take off horses. The first time, on the 12th instant, I took all their horses but one; the last, I took all, and still followed them with footmen. The last time, we lived three days on a little venison, without bread or salt; and I believe if there [are to be] rangers, there should be spies of young and hardy footmen, who could lay and scout through the swamps and thickets

like the Indians do, and then we'll be secure—not else. I have been constantly out for the last eight days, on foot, wading and rafting the creeks; have seen much signs of Indians, such as camps where they have lain, killed hogs and cattle to live on, and made many canoes to approach our settlements; and I am conscious if you had not ordered out the additional companies, and made those excellent arrangements of the 9th of [February?] the whole of this frontier would have been murdered ere now. The citizens are now living between hope and despair, waiting to know their doom."

The companies of mounted rangers which were called into service in the Indiana territory, in 1813, consisted severally of about one hundred men. Each man was armed with a rifle and a large knife, and many of the rangers carried tomahawks. No uniforms were required to be worn by these troops, but the men generally wore hunting-shirts, some of which were made of linsey, and others of linen. The discipline that was required in the ranger service was not as strict as that which was observed in the regular service, but more strict than that which was maintained by the militia companies. Each ranger carried his own supply of provisions, consisting of flour, or cornmeal, bacon, etc. Their orders of march and encampment were generally determined by the character of the country over which they passed. Through heavily timbered districts they marched in single file. Those who marched in front on one day, were thrown in the rear on the succeeding day. The horses in the rear of the line of march always suffered more from fatigue than those in front; because, in passing over fallen trees, ravines, gullies, or any other obstructions, each horse, after the first, would lose some distance, which he was forced to regain by increased speed; and, in a troop of one hundred, the horse that passed last over any such obstruction, would be compelled to gallop a considerable distance in order to maintain his proper place in the file.

On the 27th of February, 1813, the President of the United States, Mr. Madison, nominated, for governor of the Indiana territory, Mr. Thomas Posey, who was, at that time, a senator in congress from the State of Tennessee, and who had been an officer of the army of the revolution. The nomination was confirmed by the Senate on the 3d of March. Governor Posey

proceeded to Vincennes, and entered upon the discharge of his official duties on the 25th of May, 1813.

In the month of June, 1813, an expedition, composed of about one hundred and thirty-seven mounted men, under the command of Colonel Joseph Bartholomew, moved from Valonia toward the Delaware towns on the west fork of White river, with an intention to surprise and punish some hostile Indians who were supposed to be lurking about those villages. The troops engaged in this expedition, consisted of parts of three companies of rangers, commanded, severally, by Captain Williamson Dunn, Captain James Bigger, and Captain C. Peyton, and a small detachment of militia under the command of Major Depauw, of Harrison county. In a letter addressed to Governor Posey, immediately after the return of the troops to Valonia, Colonel Bartholomew said—"Lieutenant-colonel John Tipton, of Harrison county, and Major David Owen, of Kentucky, acted as aids. We left Valonia on the 11th inst., [June] and pursued a course between north and northeast, about one hundred miles, to the upper Delaware town on White river. We arrived there on the 15th, and found the principal part of the town had been burnt three or four weeks previous to our getting there. We found, however, a considerable quantity of corn in the four remaining houses. We went from thence on the [16th?] down White river, a west course, and passed another village three or four miles below, which had been also burnt. At the distance of twelve miles below the upper town, we came to another small village, not burnt. Here we discovered the signs of Indians who had come to this village for the purpose of carrying off corn. On the morning of the 17th, Captain Dunn, Lieutenant Shields, and myself, with thirty men, took the trail, and pursued it about a mile, when we met with three of the Indian horses, which we secured. The woods being very thick, we found it necessary to leave most of our horses under a small guard, and took with us only six mounted men, which were kept in the rear. After following the back trail of the Indian horses two miles further, we discovered a camp of two Indians on a high piece of ground. In attempting to surround them, they discovered one of our flanking parties, and immediately broke and run. They were, however, fired on, and one killed. The mounted men were ordered

to charge; but before they could come near the surviving Indian, he had got into some brush and hid himself. One of Captain Peyton's rangers, being thrown from his horse, on returning, was considerably in the rear, and coming suddenly and unexpectedly on the Indian who had concealed himself, he was fired on and dangerously wounded through the left hip. The Indian then made his escape to a swamp, where he could not be found. At the same time that we set out on the Indian trail, the main force moved on to the lower town. They found no fresh appearance of Indians there, but much of their having, some time previously, frequented it to carry off corn. The lower town had, from appearance, been burnt early in the winter. We found at all the towns from 800 to 1000 bushels of corn; and, discovering that the hostile Indians were making use of it, [we destroyed it?] We conceived it was the more necessary to do this, as the corn would, if not destroyed, enable considerable bodies of the enemy to fall upon and harass our frontier. Having the wounded man to take care of, who we had to carry on a horse litter, it was thought prudent to return to Valonia, at which place we arrived on the 21st" [June.]

On the 1st of July, 1813, Colonel William Russell, of the 7th United States regiment, having organized a force, amounting to five hundred and seventy-three effective men, at Valonia, marched from that place toward the Indian villages which were situated at, and about, the mouth of the Mississinewa river. A letter which was written at Vincennes, by Colonel Russell, and addressed to Governor Posey, on the 24th of July, contains the following particulars of the movements and incidents of this expedition: "On our route we had much rainy weather, and consequently high waters, which destroyed much of our provisions, and made the route much more disagreeable than otherwise it would have been. The route from this place until we returned, amounts to upward of five hundred miles, the greater part of which is certainly equal (if not superior) to any tracts of country upon the western waters, all of which lies in your territory. We proceeded from Valonia to the Delaware towns; from thence to the Mississinewa towns. There we found four or five distinct villages; one pretty strongly fortified, adjoining which a very considerable encamp-

ment of Indians had been kept up—all of which we destroyed. We supposed the Indians had evacuated those towns very early in the spring. From thence we proceeded down the Wabash to Eel river town; from thence to Win-e-mac village; from thence to the Prophet's Town; from thence we re-crossed the Wabash, and took the Winnebago town in our route to Fort Harrison. We went to every place where we could expect to fall in with the enemy, (that our situation would justify,) as our provisions were then very short, and our horses much fatigued. I had a part of six companies of rangers, and a few volunteers from the territory, and was joined by one hundred volunteers from Kentucky. * * * The army marched in five distinct columns, with instructions how the front, the rear, and the flanks, were to act in case of an attack on either. The right flank was commanded by General Cox, of the Kentucky volunteers. The extreme left was commanded by Colonel [R. M.] Evans, of the Indiana territory; the other column on the right was commanded by General Thomas, of the Kentucky volunteers; the other column on the left was commanded by Colonel [Walter] Wilson, of this territory; and the center by Major Z. Taylor, of the United States army. All those officers discovered so much zeal for the success of the expedition, as convinced me they would have done themselves credit, had we encountered the enemy. Colonel Bartholomew acted as my aid-de-camp. This veteran has been so well tried in this kind of warfare, that any encomiums from me would be useless. Major J. Allen, from Kentucky, acted as quartermaster: Mr. Hancock Taylor, as quartermaster-sergeant; Major Hardin acted as adjutant, and Homer Johnson, of the rangers, as his assistant. All those gentlemen acted with such promptitude as gave me but little trouble, and that only to check their zeal on certain occasions. General Clever, of Kentucky, commanded the advanced party, and acquitted himself much to my satisfaction. * * * Messrs. Barron and Laplante, your Indian interpreters, accompanied us as guides, assisted by Lieutenant Lasselie, who were always on the alert, and discharged the duties assigned them with great promptitude. * * * Colonel Bartholomew and Lieutenant Shields, (of Captain Peyton's company of rangers) volunteered and crossed through the country, from below the Prophet's Town to the Ohio, in two places. From

this you will discover that the country has been checkered in all directions, and strange to tell, saw no fresh sign of Indians."

In the latter part of the month of July, 1813, a few Indians were discovered hovering about the settlements on the eastern side of the Wabash, between Vincennes and the mouth of White river. Colonel Russell "despatched rangers in different directions, in order to drive them out—the citizens also assembled to checker the country."* A small number of men, under the command of Captain Dubois, pursued an Indian trail, and recovered three stolen horses, which were abandoned by the Indians, who escaped from their pursuers. A detachment of rangers, under the command of Captain Andre, "discovered a trail of horses making out from the settlement, which they pursued, and soon overtook a spy that was kept in the rear; they pushed on, and dispatched him—which gave notice to those in front, who left their horses and fled with great precipitation."† The hostile Indians did not venture, during the remaining period of the year 1813, to make any attacks on the white settlements in the Indiana territory.

CHAPTER XLIII.

GOVERNOR POSEY'S VIEWS—TERRITORIAL LEGISLATION—TREATIES OF PEACE WITH INDIANS.

THE general assembly of the Indiana territory met at Corydon, on Monday the 6th of December, 1813; and Governor Posey, on that day, delivered his first message to the two houses. In this message the following passages appear: "The present crisis is awful, and big with great events. Our land and nation is involved in the common calamity of war. But we are under the protecting care of the beneficent Being who

* Letter from Colonel Russell to Governor Posey, dated "Vincennes, August 4, 1813."

† Ib.

has, on a former occasion, brought us in safety through an arduous struggle, and placed us on a foundation of independence, freedom, and happiness. He will not suffer to be taken from us what he, in his great wisdom, has thought proper to confer and bless us with, if we make a wise and virtuous use of his good gifts. * * * Although our affairs, at the commencement of the war, wore a gloomy aspect, they have brightened, and promised a certainty of success, if properly directed and conducted, of which I have no doubt; as the president and heads of departments of the general government are men of undoubted patriotism, talents, and experience, and who have grown old in the service of their country. * * * It must be obvious to every thinking man, that we were forced into the war. Every measure consistent with honor, both before and since the declaration of war, has been tried, to be on amicable terms with our enemy. If they will not listen to terms of reciprocity, and be at peace with us, where is the man, who is a friend to his country, that will not give a helping hand, and use his best exertions to preserve and maintain, inviolate, the just rights of his country? It is to be hoped there is none such." * * *

In the closing part of his message of the 6th of December, 1813, Governor Posey said:—"I will now call to your attention such subjects as require the deliberations of your present meeting. Much depends upon you, gentlemen, in bringing to maturity such laws as will have a tendency to render equal justice to each individual of the community and promote the general welfare of the territory. You who reside in various parts of the territory have it in your power to understand what will tend to its local and general advantage. The judiciary system would require a revisal and amendment. The militia law is very defective, and requires your immediate attention. It is necessary to have good roads and highways in as many directions through the territory as the circumstances and situation of the inhabitants will admit of—it would contribute very much to promote the settlement and improvement of the territory. Attention to education is highly necessary. There is an appropriation made by congress, in lands, for the purpose of establishing public schools. It comes now within your province to carry into operation the design of the appro-

priation. * * * I wish you a pleasant session, recommending harmony and dispatch of business."

The legislative council and the house of representatives, severally, addressed appropriate replies to the message of Governor Posey. The members of the legislative council concurred with the governor, in "regretting that the American nation had been forced into a war with Great Britain." They declared that "the catalogue of vices attendant on a state of war ultimately tend to unnerve the energies of virtue, and finally reduce the nation to slavery;" but, they said, "it is better for a nation to submit to this evil than basely shrink from her post of honor and duty, and not recoil at the indignities practiced upon it by a foreign nation." The following sentiments were expressed in the reply which was addressed to the governor, by the house of representatives: "While, sir, with you, we deprecate the horrors of war, we rejoice at many of its effects—that a period has arrived which has called forth talents venerated in the world—successful in the contests by land and sea. That the unjust, envious, and jealous policy of England forced us into the war, no unprejudiced mind can doubt; and we rejoice to find that, in so advanced a period of your life, you have borne the sword of your country. * * * With you, sir, we abhor that cringing and detestable policy which would submit to British aggression, and cherish a hostile colony—a scourge on our borders. We are astonished at the mistaken and obstinate policy of the New England States, in opposing the junction of the Canadas to the Union. It would add weight and influence to the northern States in the councils of the nation—would check the progress of the seat of government toward the Isthmus of Darien, and more fairly balance the two great interests of our country—the commercial and agricultural."

The most important part of the general legislation of this session, which was closed, by adjournment,* on the 6th of

* On the 27th of December, 1813, Governor Posey, in an official communication addressed to the president of the legislative council, said: "I wish you to communicate to your honorable body, that the delicate state of my health will not admit of my longer continuance at this place, [Corydon.] I find myself badly situated on account of the want of medical aid. My physician is at Louisville, and I have taken the medicine brought with me. The

January, 1814, was designed to improve the condition of the territorial militia—to prevent dueling—to prevent malicious prosecutions—to regulate the practice of attorneys at law—to authorize collectors of taxes to make deeds in certain cases—to apportion members to the house of representatives—to render the practice in courts more easy—to provide for the appointment of a territorial treasurer—to reorganize the courts of the territory—to provide for a permanent revenue—to regulate elections—to provide for the settlement of the estates of intestates—to fix the time of the annual meetings of the general assembly, etc.

The law to prevent dueling, required that all officers in and belonging to the legislative department of the territorial government—all officers in the executive department of the government, civil as well as military—all persons in the judi-

weather is moderate now, which will be favorable to my going on to Jeffersonville, where any communication that the two houses of the legislature may have to make will find me. Mr. Prather will, in the most expeditious manner, bring them on; and it will take but a short time for me to act upon them, and for his return, which would not detain the legislature in session more than a day longer. Be assured, sir, that nothing but imperious necessity compels me to this step."

It seems, by the following extract from the journal of the legislative council, of January 6, 1814, that the general assembly did not approve of the views which were expressed by Governor Posey, in the foregoing communication:—

"WHEREAS, Both houses of the legislature did, on the 4th instant, inform the governor that they had gone through their legislative business, and were ready to be prorogued; and, whereas, the expense of near fifty dollars per day doth arise to the people of the territory by reason of the legislature being kept in session—all of which evils and inconvenience doth arise from the governor leaving the seat of government during the session of the legislature, and going to Jeffersonville, and the legislature having to send their committee of enrolled bills to that place, to lay them before him for his approval and signature. Be it therefore resolved, that, in order to prevent any further expenses accruing to the territory at the present session, that the president of the legislative council and the speaker of the house of representatives be, and they are hereby authorized to receive the report of the governor—of the laws by him signed or rejected, and his order of prorogation, and communicate the same to the clerks of their respective houses, who shall insert the same on their journals, in the same manner as if the two houses were in session."

The house of representatives concurred in this resolution; and the two houses adjourned *sine die*.

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cial department, and all attorneys at law, should thenceforth, on taking the usual oaths prescribed by law, take, also, an additional oath, to be administered to them, respectively, in the following form: "That he or they (as the case may be) have neither directly nor indirectly given, accepted, or knowingly carried a challenge to any person or persons, to fight in single combat or otherwise, with any deadly weapon, either in or out of this territory, since the 1st of February, 1814; and that he or they will neither directly nor indirectly give, accept, or knowingly carry a challenge to any persons or persons, to fight in a single combat or otherwise, with any deadly weapon, either in or out of this territory, during their continuance in office."

Early in the year 1814 the condition of the settlements in the Indiana territory began to improve. The fear of danger, from the incursions of hostile Indians had, in a great measure, subsided; and the tide of eastern emigration again began to flow into the territory. These gratifying results were produced, mainly, by the successful movements of the northwestern army, under the command of General Harrison, against the British forces in the northwest, in the latter part of the year 1813. The defeat of a detachment of American troops, under the command of Brigadier-general Winchester, at the battle of the river Raisin,* was followed by the successful defense of Fort Meigs†—the gallant defense of Fort Stephenson‡—the

* The battle of the river Raisin was fought on the 22d of January, 1813, at a point about twenty-six miles south of Detroit. The force under the command of Winchester amounted to from 800 to 900 men. The British force, under the command of Colonel Proctor, amounted to about 1000 men, with six pieces of artillery and a large number of Indians. The American loss was 397 killed, 27 wounded, and 35 officers and 487 men made prisoners. The loss of the British amounted to 24 killed and 158 wounded. After the surrender of the American forces many of the men, and some of the officers were massacred by the Indians.

† Fort Meigs, which stood on the right bank of the Maumee, at the lower rapids of that river, was besieged, from April 28 to May 9, 1813, by a British force, under Colonel Proctor, composed of 560 regulars, about 800 militia, and about 1500 Indians. The fort was defended by about 2000 men, under the command of Major General Harrison.

‡ Fort Stephenson, which stood at the site of Lower Sandusky, was attacked on the 2d of August, 1813, by a British force consisting of about 500 regu-

capture of the British fleet on lake Erie, on the 10th of September—the retreat of the British forces from Detroit and Malden; and, finally, by the defeat of the combined British and Indian forces, on the 5th of October, at the battle of the Thames.

These events induced the Miamis, Pottawattamies, and other hostile tribes, to sue for peace with the United States, immediately after the evacuation of Detroit by the British troops. The conditions which were proposed to the subdued and suffering tribes, by General McArthur, were somewhat modified by the terms of an armistice which was entered into, at Detroit, on the 14th of October, 1813, between Major-general Harrison, on the part of the United States, and “the tribes of Indians called the Miamis, Pottawattamies, Wyandots, Weas, Eel river Miamis, Ottawas, and Chippewas.” The terms of this armistice were comprised in the following articles:—

“Article 1st.—There shall be a suspension of hostilities between the United States and said tribes, from this day until the pleasure of the government of the former shall be known. In the meantime, said tribes may retire to their usual hunting grounds, and there remain unmolested, provided they behave themselves peaceably.

“Article 2d.—In the event of any murder, or other depredation, being committed upon any of the citizens of the United States, by any of the other tribes of Indians, those who are parties to these presents shall immediately unite their exertions to punish the offenders.

“Article 3d.—Hostages shall be given by said tribes, who shall be sent into the settlements, and there remain until the termination of all the differences with the United States and said tribes by a council to be holden for that purpose.

“Article 4th.—All the prisoners in the possession of said tribes shall be immediately brought to Fort Wayne, or some other post, and delivered to the commanding officer.”

After these articles were signed by a number of the chiefs and head men of the several tribes mentioned in the armistice,

lars, and from 700 to 800 Indians, under the command of Colonel Proctor. The fort was successfully defended by about 150 men, under the command of Major George Croghan.

the Indians who were at Detroit, amounting to about three thousand four hundred persons, were, for some time, furnished with provisions from the public stores; and, finally, with the exception of about two hundred warriors, sent off to their respective villages and hunting grounds.

In the month of January, 1814, about one thousand Miamis, (of whom about 700 were women and children,) in a state of great destitution, assembled at Fort Wayne, for the purpose of obtaining food to keep them from starvation. The warriors were supplied with ammunition for the use of their hunting parties, and with half rations of meat and flour; and the women and children were furnished regularly with small quantities of provisions. The Pottawattamies, in considerable numbers, and in a state of extreme destitution, followed the Miamis to Fort Wayne, where their pressing wants were temporarily relieved.

Before the opening of the spring of 1814, several deputies from the Miamis, Pottawattamies, and other northwestern tribes, assembled at Dayton, in Ohio, where they were informed of the general terms upon which they would be received as the friends and allies of the people of the United States. Soon afterward, General Harrison, General Lewis Cass, and Governor Isaac Shelby,* were appointed commissioners to hold a conference, at Greenville, with the Indian tribes of the northwest, and to negotiate with them a treaty of friendship and alliance, to be comprised in two articles; "one, stipulating peace and friendship; the other, military aid to the United States, on the part of the Indians, if required."† On the 3d of May, 1814, the Indian agent at Piqua, Ohio, addressed to General Harrison a letter, in which the writer said—"The idea of a treaty will fix the attention of the Indians, and will keep them quiet for the present. I have [caused] the information of the treaty (with this view) to be spread far and wide in the Indian country. In order to insure a general attendance of the remote

* This gentleman declined the appointment, believing that its acceptance would be incompatible with his duties as governor of Kentucky. General Adair, who was appointed in place of Governor Shelby, did not act as one of the commissioners.

† Official instructions to commissioners.

tribes, two months' notice will be requisite. I have such channels of intelligence established, through the Indians, that nothing of importance can be going forward without my knowledge. They are so much distracted and divided now, that no scheme of hostility against us could be carried into effect."

About this time the poverty and sufferings of the north-western tribes, and the dissensions which prevailed among them, were augmented by the use of intoxicating liquors, which they obtained, in considerable quantities, from some of the Indian traders. The different tribes of Indians who lived within the boundaries of the State of Ohio, and those who dwelt in the territories of Indiana, Illinois, and Michigan, were invited to send deputations from their respective tribes to Greenville, in order to open a grand council at that place, on the 20th of June, 1814, for the purpose of negotiating, with the commissioners of the United States, a treaty of peace and friendship. Some of the tribes seemed to comply with the invitation promptly and willingly; while others regarded the proposed council with feelings of indifference, if not with avowed sentiments of hostility.

The United States commissioners, General Harrison and Governor Cass, did not open negotiations with the Indians at Greenville, until the 8th of July. No representatives, either from the Winnebagoes or from the Chippewas, were present at the council. The Miamis, Weas, Delawares, Shawanees, and about three-fourths of the Wyandots, attended from day to day the sittings of the council; and there were present small numbers of Pottawattamies, Kickapoos, Ottawas, and Senecas, together with a few stragglers from other tribes or bands. The total number of Indians who were present at Greenville was estimated, by the Indian agents, at four thousand souls. On the 8th of July, General Harrison addressed the Indians who were assembled in council. He read and explained to them a message from the president of the United States, directed, specially, to the Wyandots, Senecas, Delawares, and Shawanees, who had, in the existing war, supported the interests of the United States; and he "presented to the Wyandot, Delaware, and Shawanee tribes, each, a large silver pipe, elegantly ornamented, and engraved with devices emblematic of the pro-

tection and friendship of the United States.”* After speaking of the policy which had been adopted and pursued by the government of the United States, in its intercourse with the Indian tribes, and of the causes and probable results of the war existing at that time between the United States and Great Britain, General Harrison said—“MY CHILDREN—The object of this council is to bury the hatchet with such of the tribes as have lately borne arms against us, and who have accepted the invitation to come here, upon condition of receiving that which we shall offer them, to make war upon the British. Those who accept this proposition will be cherished by their father, the president of the United States, as they were before the war.”†

The proceedings of the grand council were interrupted by unfavorable weather, and sometimes by the drunkenness‡ of the Indians, and the negotiations were not concluded until the 22d of July. The principal speakers, on the part of the Indians, were Captain Charley, who was an Eel river Miami; Picon, principal chief of the Miamis; Crane, head chief of the Wyandots; Onocksee, or Five Medals, who was a Pottawattamie chief; Waba-cheeky, or White Fish, who was an Ottawa, and Little Otter, a Kickapoo. A sentiment strongly in favor of peace seemed to prevail among those Indians, who, having been engaged in the war against the United States, were present at the council; but these tribes, generally—and the Miamis, especially—expressed a desire to be permitted to observe, thenceforth, a state of neutrality with respect to the war between the United States and Great Britain. This proposition was not, however, regarded with any degree of favor by the commissioners. On the 11th of July, Governor Cass delivered to the Miamis, Pottawattamies, and Kickapoos, in council, a speech, in which he said—“At the commencement of the present war between the United States and Great Britain, it was the wish of your father, the president of the seventeen fires,

* American State Papers—Indian affairs, vol. iv, 828.

† Journal of the proceedings of the commissioners, kept by their secretary, James Dill.—American State Papers—Indian affairs, vol. iv, p. 829.

‡ “July 18. The Indians having received a quantity of whisky, in order to sharpen their hatchets, as they expressed it, were unfit for any business this day.”—JOURNAL OF THE PROCEEDINGS OF THE COMMISSIONERS.

that you should remain neutral; the war did not concern you; it concerned us alone. Messages were, therefore, sent to the different tribes, as you all know, requesting them to remain quiet at home, and take no part in the war. Instead of listening to us, however, your ears were open to the lies of the British; and you took up the tomahawk in their behalf; and you fought on their side until we had thrown them on their backs. Your great father, the president of the United States, has found that you can not remain neutral; that you can not, or will not, remain at peace; but must fight on one side or the other; and that, if you were not for us, you would be against us. * * * You have now come forward to take us by the hand. We are equally anxious and willing to take you by the hand; but you must take up the tomahawk, and, with us, strike our enemies; then, your great father, the president, will forgive the past.”*

Captain Charley, an Eel river Miami chief, spoke in favor of peace. He said that he wished to remain neutral in the war between the Americans and the British. In the course of his remarks he made some allusions to the destruction of Miami villages by the troops of the United States. He said: “We looked aside and saw the tomahawk waving in the air; we looked around for the cause, but could see none. * * * Then, Big Knife, I thought you were wrong. I still heard you speak of peace, and finding you acted in this way, I thought you acted wrong.”† In one of his speeches, addressed to the commissioners, Captain Charley said: “You were the first shedders of blood, and not us. Listen! My warriors never crossed your line, or your boundary, to kill your people.” This bold assertion was immediately contradicted by Mr. Johnston, an Indian agent, who said that “he could prove what he [Charley] had asserted to be false; that before a single Miami was molested by the whites, the Miamis had killed his (Johnston’s) brother at Fort Wayne; and that he could prove, by a number of Indians now present, that the Miamis had assisted in the siege of Fort Wayne.”‡

General Harrison then addressed the Miamis, and called upon the chiefs of that nation “to avow or disavow the speech

* Journal of the proceedings of the commissioners.

† Ib.

‡ Ib.

of Charley," whose statements "were calculated to rouse the passions and prejudices of the friendly tribes against the United States." The Miamis were called upon to declare, explicitly, "whether they intended to join the United States or not;" and they were told that "if they thought proper not to join," "they might depart in peace." All the Indians present were then addressed by General Harrison, who observed to them "that it must be evident to all that the Miamis were endeavoring to excite, in the breasts of the friendly tribes, sentiments unfavorable to the United States." He said that "he was extremely sorry to find the Miamis appeared determined to harrow up every past transaction which was calculated to excite impressions and sentiments unfavorable to the United States, when he had hoped these things would be buried in oblivion, and a permanent peace and friendship established between them; that if they thought proper to pursue this course, he had no objection; but there were a number of Indians, now present, who could prove the falsehood of Charley's assertion."*

Captain Charley arose in the council, after the conclusion of the remarks by General Harrison, and, addressing the general, spoke as follows: "Father, you have said I told falsehoods. My council chiefs and war chiefs have told me to come forward again and speak. Listen to me, father Big Knife! I, Miami, am white all over. There is no spot in me. As I told you before, I tell you again, I can not take hold of any thing bad and fix it on myself. You know, father, that he who has created bad, or been the cause of bad, it will follow him; his works will show it. I tell you again, father, we Miamis have not scattered: we hold ourselves all together. Again, father, our conduct has proved to you that our intentions are not bad. We have brought our women and children with us, which will prove our intentions are not bad. I again repeat that I love you. I do not intend to take hold of the tip of your finger, but to take fast hold of your whole hand—the hand nearest the heart; but I now tell you I wish to remain at peace—I wish to remain neutral. Again, father, you told us to go away. I do not wish to do this. I wish to remain neutral

* Journal of the proceedings of the commissioners.

alongside of you. I have told you our sincere wishes and desires. If you do not approve of it, I can not help it. We wish to claim the ancient promise of remaining neutral. I have nothing more to say, father—I have told you all.”*

Governor Cass then addressed the Miamis. He told them that their propositions of neutrality could not be accepted; that “the United States wished for none of their lands—they merely wished to be in friendship with them; but that if, after their own free offer and solicitations, they thought proper to treat on the terms proposed by themselves, which were to take up the tomahawk and strike our enemies, we would give them the friendship and protection of the United States, it was well; but if these were rejected, they (the commissioners) had no other terms to offer.”† In the course of the proceedings of the council, the deputations from the Pottawattamies, Kickapoos, Ottawas, and Weas, and from other tribes, or bands, which had been regarded as enemies of the United States, expressed their willingness to engage in the war against the British; and the Miamis, with the exception of two chiefs, finally agreed to accept the terms of peace which were offered to them by the commissioners. A treaty was prepared, explained, sentence by sentence, to the Indians, and signed on the 22d of July, 1814, by “a number of chiefs of each nation therein named.”‡ About fourteen hundred and fifty Indian warriors were present at this treaty. On the 1st of August, a large number of these warriors set out for Detroit, in company with Gov. Cass, leaving their women and children at Greenville to be supported at the expense of the United States.

From this period until the close of the war, the Miamis, and the other Indian tribes of the northwest who were parties to the treaty of Greenville, professed to live on terms of peace and friendship with the United States. In the course of the year 1814, and in the spring of 1815, some small war parties, composed of fragments of different tribes, ventured, occasionally, to make predatory incursions into the frontier settlements of the Indiana and Illinois territories. A considerable number of horses were stolen from the settlers by these war parties. Seven white men were killed in the vicinity of Fort Harrison;

* Journal of the proceedings of the commissioners.

† Ib.

‡ Ib.

three residents of the Indiana territory were killed in the vicinity of Vincennes; and a detachment of sixteen men, under the command of Lieut. Morrison, were surprised by a party of Indians, at a place between Busseron creek and Fort Harrison, and dispersed with the loss of five men killed.*

In the month of December, 1814, a Kickapoo chief, accompanied by his squaw, visited Fort Harrison, where he was kindly received by the commanding officer, and furnished with a place of lodging. "The chief and his wife retired to rest, and, while they were asleep, a ranger fired his piece through an aperture in the house at them, and killed the squaw."† This murder was the cause of considerable excitement among the Kickapoos; but the injured chief, yielding to the advice of some white persons in whose friendship he had confidence, agreed to accept a present that was offered to him to satisfy him for the loss of his wife; and then the rising indignation of his tribe seemed to subside.

CHAPTER XLIV.

ORDINANCE OF 1787—QUALIFICATIONS OF VOTERS—JUDICIARY—
BANKS—HARMONISTS—ROBERT OWENS' SETTLEMENT.

THE well-known ordinance of congress, of the 13th of July, 1787, was designed for the government of the territory of the United States northwest of the river Ohio; and when, in 1800, this large territory was divided, in order to form the Indiana territory, congress declared that there should be established in the Indiana territory "a government similar in all respects" to that provided by the ordinance of 1787; and that the inhabitants of this territory should "be entitled to and enjoy all and

* The date of this event is involved in some degree of uncertainty. The detachment was, probably, surprised on the 13th of May, 1815.

† Western Sun, published at Vincennes, by E. Stout—file of Dec., 1814.

singular the rights, privileges, and advantages granted and secured to the people by the said ordinance.”* I find, however, that these general terms did not confer upon the people of the territory a right to exercise any great degree of political power. The authority to appoint territorial governors, territorial secretaries, and judges of the superior court of the territory, was vested in the president of the United States and the national senate. The organization of a territorial legislature, or general assembly, depended upon the vote of a majority of the *freeholders* of the territory. Before the organization of such a legislature, the governor and the judges of the territory, or a majority of them, were invested with power to adopt and publish such laws, civil and criminal, of the original States, as might be best suited to the circumstances of the people; but laws thus adopted and published were subject to the disapproval of congress. A freehold estate, in five hundred acres of land, was one of the necessary qualifications of each member of the legislative council of the territory; every member of the territorial house of representatives was required to hold, in his own right, two hundred acres of land; and the privilege of voting for members of the house of representatives, was restricted to those inhabitants who, in addition to other qualifications, owned, severally, at least fifty acres of land. The people of the territory were not authorized, by the provisions of the ordinance of 1787, nor by any act of congress, to choose officers of the territorial militia, nor to elect judges of any of the inferior courts of the territory, nor clerks of the courts, nor justices of the peace, nor sheriffs, nor coroners, nor county treasurers, nor county surveyors. The power of choosing all these officers was vested in the governor of the territory. He also was invested with authority to divide the territory into districts—to apportion, among the several counties, the members of the house of representatives—to prevent the passage of any territorial law—and to convene, prorogue, and dissolve the general assembly of the territory, whenever, in his opinion, it might be deemed expedient to exercise such authority.

Although none of these extraordinary powers were ever exercised tyrannically, oppressively, or arbitrarily, by either

* Act of Congress, May 7, 1800.

of the governors of the Indiana territory, yet, during almost the whole period of the territorial government, the question of an extension of the right of suffrage was agitated among the people, and often pressed upon the attention of congress. In 1805, the members of the first legislative council of the territory, in their reply to the first message of Governor Harrison, said: "Although we are not as completely independent in our legislative capacity as we would wish to be, yet we are sensible that we must wait with patience for that period of time when our population will burst the trammels of a territorial government, and we shall assume the character more consonant to republicanism. * * * The confidence which our fellow-citizens have uniformly had in your administration, has been such that they have hitherto had no reason to be jealous of the unlimited power which you possess over our legislative proceedings. We, however, can not help regretting that such powers have been lodged in the hands of any one—especially when it is recollected to what dangerous lengths the exercise of those powers may be extended."

The territorial legislature attempted, by one of the sections of an act of the 17th of September, 1807, to extend the right of suffrage in the Indiana territory, by giving a liberal construction to that part of the ordinance of 1787 which relates to the qualifications of certain electors; and, soon afterward, the right in question was, in fact, somewhat extended by the provisions of an act of congress, of February 26, 1808, which, in the words following, defined the qualifications of electors of representatives: "Every free white male person in the Indiana territory, above the age of twenty-one years, having been a citizen of the United States and resident in the said territory one year next preceding an election of representatives, and who has a legal or equitable title to a tract of land of the quantity of fifty acres, or who may become the purchaser, from the United States, of a tract of land of the quantity of fifty acres, or who holds, in his own right, a town lot of the value of one hundred dollars, shall be entitled to vote for representatives to the general assembly of the said territory."

The people of the Indiana territory continued to petition congress, not only for a more liberal modification of the law which prescribed the qualifications of voters, but also for such

an amendment or revision of the ordinance of 1787 as would vest in the qualified voters of the territory the right of electing the members of the legislative council and the territorial delegate to congress. This last mentioned privilege was granted to the people of the territory by an act of congress, of February 27, 1809; and that which was called "the property qualification of voters" was abolished, by the same authority, by an act of March 3, 1811, which extended the right of voting for members of the general assembly and for a territorial delegate to congress to every free white male person who had attained the age of twenty-one years, and who, having paid a county or territorial tax, was a resident of the territory, and had resided in it for the period of one year. Finally, by an act of the territorial legislature, approved on the 5th of January, 1814, the right of voting for a delegate to represent the territory in congress and for members of the territorial general assembly was further extended to "every free white male person having a freehold in the territory, and being a resident in the same."

The house of representatives of the Indiana territory was authorized, by an act of congress of the 4th of March, 1814, to lay off the territory into five districts, in each of which the qualified voters were empowered to elect a member of the legislative council. The members of the house convened at Corydon, in the month of June, 1814, and divided the territory into districts. According to this division the counties of Washington and Knox constituted one district; the counties of Gibson and Warriek one district; the counties of Harrison and Clark one district; the counties of Jefferson and Dearborn one district; and the counties of Franklin and Wayne one district.

The difficulties which, at this period, interfered, materially, with the administration of the territorial laws, and the controversies and doubts which agitated the minds of the people, in relation to the jurisdiction and powers of the several courts of the territory, induced Governor Posey to convene the general assembly at Corydon, on the 15th of August, 1814. At the preceding session, which adjourned on the 6th of January, the legislature passed a law that was designed to reorganize the courts of justice, and to remove some of the defects and

evils of the existing judiciary system. By this law the territory was divided into three judicial circuits; Benjamin Parke, James Scott, and Waller Taylor* were named as president judges, severally, of these circuits; and provisions were made for the appointment of three associate judges in each county. In a letter written at Vincennes, by Judge Parke, on the 7th of February, 1814, and addressed to Governor Posey, the writer said—"By an act entitled 'an act reorganizing courts of justice,' passed at the late session of the legislature, the territory is divided into three districts, in each of which a circuit court is established—the court to consist of one of the judges appointed by the government of the United States for the territory, as president, and three associates, commissioned under the authority of the territory, and to have jurisdiction, in all cases, at law and in equity. The first circuit, comprising the counties of Knox, Gibson, and Warriek is assigned to me. The legislature is empowered to make laws, in all cases, for the good government of the territory, not repugnant to the laws of the United States. In the delegation of power, that which is not expressly given is reserved. Implications can not be admitted further than to carry into effect the power given. The laws of the United States being paramount to the laws of the territory, if they are found in conflict, the latter must yield to the former. Congress has defined the jurisdiction of the judges appointed by the general government, and made one judge, in the absence of the others, competent to hold a court. The judges are coördinate, and their jurisdiction extends over the whole territory. They are judges *in and over*, and not of *a part* of the territory. As the judges derive their jurisdiction and power from the government of the United States, they can not be controlled, in the exercise of their functions, by persons deriving their authority from the government of the territory. The judges appointed for the territory are limited, by the laws of the United States, to the exercise of *a common law of jurisdiction*. The act, therefore, as it regards the organization and jurisdiction of the circuit courts, is repugnant to the laws of

* Hon. Benjamin Parke, Hon. James Scott, and Hon. Waller Taylor, were, at the time of the passage of the law referred to, judges of the general court of the territory—holding their commissions from the president of the United States.

the United States, and neither confers any powers, or imposes any duty, on the judges appointed for the territory by the United States. The general government has appointed for the territory three judges, with a common law jurisdiction; but *when, where, or in what manner* they are to hold a court—or, rather, exercise the jurisdiction with which they are invested—congress has not provided. I consider it the duty of the legislature to do it. To you, sir, it belongs to watch over the affairs of the territory, and to see that the laws are faithfully executed; and, on account of the relation in which I stand to the territorial government, I have thought it my duty to make this representation to you. The peculiarity of the case leaves me no other mode of stating my objections and the cause of my not conforming to the law. The legislature has organized certain courts, and assigned me to perform certain duties; but the law, constituting the one and directing the other, is unconstitutional; and, as I can derive no authority from it, it imposes no obligation. I shall, therefore, not hold the courts for the first circuit.”

The general assembly which met at Corydon, on the 15th of August, 1814, was convened mainly for the purpose of organizing a judiciary system in conformity with the constitution and laws of the United States. In order to make an effort to effect this object, the legislature, by an act of the 30th of August, divided the territory into three judicial circuits, made provisions for the holding of courts in these circuits, defined the jurisdiction of such courts, and invested the governor with power, to appoint a president judge in each circuit, and two associate judges of the circuit court in each county. The governor was required, by this statute, to select, for circuit judges, men who were “learned and experienced in the law,” who were citizens of the United States, and who had “regularly practiced in some of the courts in the United States, or this territory, at least three years.” The compensation of each circuit judge was fixed at the sum of seven hundred dollars per annum. At this period, however, the administration of justice in the Indiana territory was embarrassed by the presence of difficulties which no territorial legislation could remove. The nature of these difficulties was mentioned in a memorial which was prepared by the general assembly, and

laid before the house of representatives of the United States, on the 18th of October, 1814. This memorial contains the following statements:—"By a law of congress, one of the judges, appointed by virtue of the ordinance for the government of this territory, is authorized to hold a court. Thus, one of the judges, being competent to hold a court, may decide a principle or a point of law at one term; and, at the next term, if the other two judges are present, they may decide the same principle or point of law different. Thus, the decisions of the superior court organized, we presume, by the general government, finally to settle in uniformity the principles of law and fact, which may be brought before them by the suitor, may be, and frequently are, in a state of fluctuation: hence the rights of persons and property become insecure. There is another evil, growing out of the system of one judge being competent to hold the superior court, or that court which forms the last resort of the suitor in any government, and particularly in the territory; for appeals are taken from all the courts of inferior jurisdiction in the territory, to the court organized by the ordinance, which inferior courts are never constituted of less than two judges. Thus, the suitor in the territory is frequently driven to the necessity of appealing from the judgment of two men to that of one. But this dilemma only constitutes part of the solecism for the next superior court, as the other two judges may overturn the principles of the decision of their brother judge at the preceding term. Hence the want of uniformity in the decisions of the court of the last resort. Anger and warmth in the suitors, and a confusion in our system of jurisprudence, is the result." Some of the difficulties of which the general assembly thus complained were removed by one of the provisions of an act of congress, of February 24, 1815, which declared that the general or superior court of the Indiana territory should be composed of at least two of the judges appointed by the government of the United States.

In the year 1814, the general assembly of the Indiana territory, acting in conformity with what seemed to be the will of the people, granted charters to two banking institutions. The Farmers' and Mechanics' Bank of Indiana, at Madison, was incorporated by an act approved on the 6th of September. The charter extended, in time, to the 1st of January, 1835; and it

declared that the property of the corporation, including the capital stock, should not exceed the sum of seven hundred and fifty thousand dollars. An act incorporating the Bank of Vincennes was approved on the 10th of September. The capital stock of this institution was fixed at the sum of five hundred thousand dollars; and the charter vested in the stockholders the privilege of banking, on certain conditions, until the 1st of October, 1835.

The charters of these two banking institutions were recognized and confirmed by the State constitution, which was adopted in 1816; and the legislature of the State of Indiana, by an act of the 1st of January, 1817, adopted the Bank of Vincennes as the State Bank of Indiana. By the provisions of this act of adoption, the powers of the corporation were enlarged, and it was authorized to increase its banking facilities by an additional capital of one million of dollars, divided into ten thousand shares, each share amounting to the sum of one hundred dollars. Of these shares, three thousand seven hundred and fifty were reserved for the State, to be subscribed for, from time to time, by the governor; and private individuals, and companies, or corporations, were authorized, under certain rules and regulations, to subscribe for the remaining six thousand two hundred and fifty shares. The Bank of Vincennes, thus established as a State bank, was empowered, conditionally, to adopt the Farmers' and Mechanics' Bank of Indiana as one of its branches. The affairs of these corporations were managed, for some time, with a considerable degree of prudence, if not with strict integrity. Before the close of the year 1821, however, the violations of the charter of the Bank of Vincennes, the State Bank of Indiana, which had established branches at Brookville, Corydon, and Vevay, became so shameful and so notorious that the legislature, by an act of the 31st of December, 1821, authorized the commencement of proceedings against that institution by a writ of *quo warranto*; and the proceedings, thus instituted, resulted in depriving the bank of its franchises and privileges. The offenses charged and proved* against the bank, in the course of these proceedings, were the contracting of debts to an amount double that

* Blackford's Reports, vol. i, p. 267.

of the deposits—the issuing of more paper, with a fraudulent intention, than the bank could redeem—the making of large dividends of profits, while the bank refused to pay specie for its notes—and the embezzling of large sums of money deposited in the bank for safe keeping. A large amount of the notes which were put into circulation by the Bank of Vincennes, and its branches, became utterly worthless. The notes of the Farmers' and Mechanics' Bank of Indiana, at Madison, were ultimately redeemed.

In the month of January, 1814, the edifice in which the office of the recorder of Knox county was kept, was destroyed by fire, and the books, papers, and records belonging to the office were consumed. The territorial legislature, by an act of the 7th September, 1814, appointed Benjamin Parke, Nathaniel Ewing, and John D. Hay, commissioners to receive and record evidence in relation to deeds, patents, wills, and other documents, which were destroyed by the burning of the recorder's office.

On the 4th of June, 1814, a destructive tornado swept over the southwestern portion of the Indiana territory. It seems that every thing that lay in the course of the tempest was either injured or destroyed. Houses were unroofed, and, in some instances, demolished. The trees growing in the range of the storm, were “broken down, or torn up by their roots;” the growing corn was materially injured, and “a great number of horses and cattle killed.”* The hailstones which accompanied the tornado were “from the size of hens' eggs to that of goose eggs, and some of them weighing three-quarters of a pound.”† There were, indeed, two tornadoes sweeping over the territory at the same time—one “passing upon Maria creek, about ten miles above Vincennes, and the other upon Patoka, about twenty-five miles below.” The shape of the latter was “like that of a cone with the apex downward, or rather, like a speaking-trumpet, its upper part enlarging considerably as it joined the clouds above. The body of this tornado was as black as pitch, and appeared to boil like that substance over a furnace. The clouds above were also intensely black. The

* Western Sun, published at Vincennes, June, 1814.

† Ibid.

extent at bottom has been ascertained to have been between half a mile and a mile.”*

In the year 1814, a society composed of Germans, who were, principally, natives of Wirtemberg, emigrated from their temporary place of residence, in Pennsylvania, and founded a settlement in the Indiana territory, on the banks of the Wabash river, at a point about fifty miles distant from its confluence with the river Ohio. The members of this association, who were, in the main, professedly Lutherans, were remarkable for their simple manners, their industry, and their frugality. They purchased a large quantity of land, and laid off a town, to which the name of Harmony† was given. They erected a church, and a public school-house, opened farms, planted orchards, and vineyards, built mills for the purpose of manufacturing flour, established a house of public entertainment, and a public store, and carried on various agricultural, manufacturing, and mechanical pursuits, with considerable skill, and with great regularity.‡ The property of the society of Harmony was, it seems, owned by the members of the association in common; but the authority to govern the community, and to manage its affairs, temporal and spiritual, was vested in

* Letter quoted in Schoolcraft's Travels in the central portions of the Mississippi valley, p. 183.

† Afterward called New Harmony.

‡ In a letter written, in 1822, by a person who resided at or near Harmony, and addressed to the editor of Niles' Register, the value of the *manufacturing* industry of the society was estimated as follows:

Hatters and shoemakers, value per day,	\$30 00
Distillers and brewers, “ “	30 00
Spinning and carding, “ “	15 00
Blacksmiths and coopers, “ “	15 00
Various cloth (cotton), “ “	25 00
Various cloth (woolen), “ “	70 00
Flannels and linsey, “ “	20 00
The tannery, “ “	15 00
Wagon makers and turners, “ “	12 00
Steam and other mills, “ “	15 00
Saddlers, etc, “ “	15 00
Total,	\$262 00

Product of manufacturers, two hundred and sixty-two dollars per day, with a large value in agricultural products.—NILES' REGISTER, SEPT. 7, 1822.

Frederick Rappe, the elder, who was regarded as the founder of the society. In 1821, the community, under the direction of Mr. Rappe, included about nine hundred persons; and Mr. Schoolcraft, who visited Harmony in the summer of that year, said:—"There is not an individual in this society, arrived at the proper age, who does not contribute his proportionate share of labor. They have neither spendthrifts, idlers, or drunkards; and during the whole period of their residence in America, (about seventeen years,) there has not been a single lawsuit among them. If a misunderstanding or quarrel happens, it is a rule, our conductor observed, to settle it before retiring to rest—thus literally obeying the injunction of the apostle."

In the year 1825, or about that time, the town of Harmony, and a considerable quantity of the lands lying adjacent to it, were sold to Robert Owen, of Scotland; and Mr. Rappe, with his associates, returned to Pennsylvania. Mr. Owen, who had at this period acquired some distinction as a philanthropist who did not regard christianity as an essential element of society, attempted to establish at New Harmony a community of those who were inclined to receive his peculiar opinions with favor. In promulgating his views of human nature, Mr. Owen said: "That, then, which has hitherto been called wickedness in our fellow-men, has proceeded from one of two distinct causes, or from some combination of those causes. They are what is termed bad or wicked—1st, Because they are born with faculties or propensities which render them more liable, under the same circumstances, than other men, to commit such actions as are usually denominated wicked; or, 2d, Because they have been placed by birth or other events in particular countries—have been influenced from infancy by parents, playmates, and others, and have been surrounded by those circumstances which gradually and necessarily trained them in the habits and sentiments called wicked; or, 3d, They have become wicked in consequence of some particular combination of these causes. * * * If it should be asked, whence, then, have wickedness and misery proceeded? I reply, *solely from the ignorance of our forefathers.* * * * Every society which exists at present, as well as every society which history records, has been formed and governed on a belief in the following notions, assumed as *first principles*—1st, That it is in the power of every individual

to form his own character: hence the various systems called by the name of religion, codes of law, and punishments: hence, also, the angry passions entertained by individuals and nations toward each other; 2d, That the affections are at the command of the individual: hence insincerity and degradation of character: hence the miseries of domestic life, and more than one-half of all the crimes of mankind; 3d, That it is necessary a large portion of mankind should exist in ignorance and poverty, in order to secure to the remaining part such a degree of happiness as they now enjoy: hence a system of counteraction in the pursuits of men, a general opposition among individuals to the interests of each other, and the necessary effects of such a system—ignorance, poverty, and vice. Facts prove, however—1st, That character is universally formed *for* and not *by* the individual; 2d, That *any* habits and sentiments may be given to mankind; 3d, That the affections are not under the control of the individual; 4th, That every individual may be trained to produce far more than he can consume, while there is a sufficiency of soil left for him to cultivate; 5th, That nature has provided means by which population may be at all times maintained in the proper state to give the greatest happiness to every individual, without one check of vice and misery; 6th, That any community may be arranged on a due combination of the foregoing principles in such a manner as not only to withdraw vice, poverty, and, in a great degree, misery from the world, but also to place *every* individual under circumstances in which he shall enjoy more permanent happiness than can be given to *any* individual under the principles which have hitherto regulated society; 7th, That all the fundamental principles on which society has hitherto been founded are erroneous, and may be demonstrated to be contrary to fact; and, last, That the change which would follow the abandonment of those erroneous maxims which bring misery into the world, and the adoption of principles of truth, unfolding a system which shall remove and for ever exclude that misery, may be effected without the slightest injury to any human being.”*

The efforts which were made to establish, on these principles, a community at New Harmony, were of course defeated.

* Address delivered to the inhabitants of New Lanark, by Robt. Owen.

Neither philanthropy, nor learning, nor energy, nor wealth, nor all of these combined, could save the experiment of Mr. Owen from a failure which was painful to him, and disheartening to his followers.

CHAPTER XLV.

PEACE CONCLUDED WITH GREAT BRITAIN—INDIAN AFFAIRS—STATE GOVERNMENT ORGANIZED.

A TREATY 'of peace and amity between the United States and Great Britain was signed at Ghent, by the plenipotentiaries of the respective nations, on the 24th of December, 1814, and ratified by the president of the United States, with the consent of the senate, on the 17th of February, 1815. The ninth article of the treaty contains an agreement, on the part of the United States, to put an end to hostilities with all the tribes or nations of Indians with whom the general government was then at war; and to restore to such tribes or nations, respectively, all the rights and possessions to which they were entitled in 1811, previous to the commencement of the war—on condition that such Indians should agree to desist from all hostilities against the United States. The same article of the treaty of peace contains a similar agreement to be performed on the part of Great Britain.

Early in February, 1815, before the ratification of the treaty of peace, the governor of the Indiana territory obtained information, through various channels, which induced him to believe that many of the Pottawattamies, and some of the other north-western tribes, were receiving from the British large supplies of powder, lead, and flints, and that the main body of these tribes were making preparations to attack the frontier settlements of Indiana. A general order was therefore issued, requiring all the commandants of regiments, battalions, companies, etc., throughout the territory, to "hold themselves in

readiness to march at the shortest notice," and to "be prepared to meet the enemy, as occasion might require, either by whole corps, or by detail from each."* The issuing of this general order was an act of prudence; but the hostile tribes of the northwest were neither prepared nor inclined, at that time, to invade the settlements of the Indiana territory. In the early part of the year 1815, however, a few small war parties, composed probably of refugees from different tribes, skulked about the borders of the Wabash river, and perpetrated some acts of savage warfare, which have been mentioned in a preceding chapter.

Immediately after the ratification of the treaty of peace with Great Britain, the government of the United States adopted measures which were designed to disseminate, among the several Indian tribes, certain information of the conclusion of the war, and of the stipulations which the treaty of peace contained with respect to the treatment of those Indians who had been engaged in the contest between the two nations.

In June, 1815, Major-general William Henry Harrison, Brigadier-general Duncan McArthur, and John Graham, esq., were appointed commissioners, on the part of the United States, for holding a treaty with the northwestern Indians, "at Ft. Wayne, or at any other place that might be more convenient."† The commissioners were instructed to remind the tribes of their existing relations with the United States; to explain to them the nature of the reciprocal stipulations in the treaty of peace and amity; to "inform them of the measures that had been taken to carry the treaty of peace into effect; to warn them against any improper practices that might involve them in hostilities with the United States; to promise a punctual performance of all [engagements of the United States] with them; and to insist on the observance of good faith on their part."‡ The commissioners were further instructed to inform the Indians, distinctly, that the United States did not then wish to obtain from them any new cession of land, or any grant or privilege whatsoever; but "merely to manifest their disposition

* General orders, dated "Head-quarters, Jeffersonville, February 25, 1815," signed by Allan D. Thom, Adjutant-general.

† Letter of instructions to commissioners.

‡ Ibid.

to cultivate peace and good-will," and to secure the advantages of the treaties which existed at that time.

On the 22d of August, the commissioners held a preliminary meeting at Detroit, with some of the chiefs and head men of the Wyandot, Ottawa, Chippewa, and Pottawattamie tribes; and on the 25th of August, a regular council, for the negotiation of a treaty, was opened at the Spring Wells, in the vicinity of Detroit. The negotiations were prolonged until the 8th of September, 1815, when a treaty was concluded between "the United States of America and the Wyandot, Delaware, Seneca, Shawanee, Miami, Chippewa, Ottawa, and Pottawattamie tribes of Indians, residing within the limits of the State of Ohio, and the territories of Indiana and Michigan."* These tribes agreed to renew and confirm all former treaties with the United States, to which they were, respectively, parties; and to place themselves under the protection of the United States, "and of no other power whatsoever." The Shawanee prophet, who attended some of the sessions of the council at the Spring Wells, retired, with a few of his followers, across the river Detroit, to the British territory, before the treaty was signed. They professed, however, "in open council, before they went away, the most pacific intentions, and declared that they would adhere to any treaty made by the chiefs who remained."† Sometime afterward, the Prophet returned to the Shawanee settlement in the State of Ohio, whence, with a band of Shawanees, he removed to the Indian country, on the western side of the river Mississippi, where he died, in the year 1834. It seems that the British government allowed him a pension, from the year 1813 until the time of his death.‡ Tecumseh, the distinguished brother of the Prophet, was killed at the battle of the Thames, on the 5th of October, 1813.

On the first Monday in December, 1815, the general assembly of the Indiana territory met at Corydon. The sickness of Governor Posey, who resided at Jeffersonville, prevented his attendance, at the seat of government, on the opening of the

* American State Papers—Indian affairs, vol. ii, p. 12.

† Letter from commissioners to secretary of war, September 9, 1815.

‡ Drake's Life of Tecumseh, p. 222.—London "United Service Journal." — Dawson's Life of Harrison, p. 439.

session; and he sent his message to the two houses, by his private secretary, Colonel Allan D. Thom. In this message, which was very brief, the governor congratulated the members of the legislature on the termination of the war by an honorable peace. He alluded to the tide of immigration which was then flowing into the territory, and advised the levying of taxes as light as might be compatible with the public interest. He invited the legislators "to turn their attention to the promotion of education and the state of roads and highways;" and he recommended a revision of the territorial laws and an amendment of the militia system. The legislature, during the course of its session, which lasted about a month, passed thirty-one laws and seven joint resolutions. These acts were not, however, designed to make any material change in the existing laws of the territory. The attention of the members of the general assembly was, indeed, engaged chiefly in the making of public and private efforts to change their territorial institutions for those of a State government.

A memorial which was adopted by the legislature of the Indiana territory, on the 14th of December, 1815, and laid before Congress by the territorial delegate, Mr. Jennings, on the 28th of the same month, contains the following passages:—"Whereas, the ordinance of Congress for the government of this territory has provided 'that whenever there shall be sixty thousand free inhabitants therein, this territory shall be admitted into the Union on an equal footing with the original States;' and whereas, by a census* taken by the authority of the legislature of this territory, it appears from the returns, that the number of free white inhabitants exceeds sixty thousand—we, therefore, pray the honorable senate and house of representatives, in Congress assembled, to order an election, to be conducted agreeably to the existing laws of this territory, to be held in the several counties of this territory *on the first Monday of May*, 1816, for representatives to meet in convention, at the seat of government of this territory, the — day of —, 1816, who, when assembled, shall determine, by a majority of the votes of all the members elected, whether it

* Official returns of the population of the territory of Indiana, certified by the clerks of the various counties, and forwarded to the house of represen-

will be expedient or inexpedient to go into a State government; and if it be determined expedient, the convention thus assembled shall have the power to form a constitution and frame of government; or, if it be deemed inexpedient, to provide for the election of representatives to meet in convention, at some future period, to form a constitution. * * * And whereas the inhabitants of this territory are principally composed of emigrants from every part of the Union, and as various in their customs and sentiments as in their persons, we think it prudent, at this time, to express to the general government our attachment to the fundamental principles of legislation prescribed by congress in their ordinance for the government of this territory, particularly as respects *personal freedom* and *involuntary servitude*,* and hope they may be continued as the basis of the constitution."

The memorial was referred to a committee, of which Mr. Jennings was the chairman; and on the 5th of January, 1816,

tatives of said territory, at their session which commenced on the 4th of December, 1815.

Counties.	White males of 21 and upward.	Total.
Wayne.....	1,225.....	6,407
Franklin.....	1,430.....	7,370
Dearborn.....	902.....	4,424
Switzerland.....	377.....	1,832
Jefferson.....	874.....	4,270
Clark.....	1,387.....	7,150
Washington.....	1,420.....	7,317
Harrison.....	1,056.....	6,975
Knox.....	1,391.....	8,068
Gibson.....	1,100.....	5,330
Posey.....	320.....	1,619
Warriek.....	280.....	1,415
Perry.....	350.....	1,720*

63,897

* Not official—but reported from good authority.

* At this time the territorial legislature, and a large majority of the people of the territory, were opposed to the institution of negro slavery. The first proposition to exclude slavery from the territory of the United States, north-west of the river Ohio, was brought before congress by a committee consisting of Mr. Jefferson, of Virginia; Mr. Chase, of Maryland; and Mr. Howell, of Rhode Island. The proposition was submitted in the following words:—"That after the year 1800 of the Christian era, there shall be neither slavery

this gentleman reported to the house of representatives of the United States, a bill to enable the people of the Indiana territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States. This bill, after having been amended in some of its particulars, was passed by congress, and become a law, by the approval of the president of the United States, on the 19th of April, 1816.

In conformity with the provisions of this law, an election for members of a convention to form a State constitution, was held in the several counties of the territory, on Monday, the thirteenth day of May, 1816. The members of the convention were elected according to an apportionment which had been made by the territorial legislature, and confirmed by an act of congress. Their names, and the names of the counties which they represented in the convention, here follow:—

Wayne county, four members—Jeremiah Cox, Patrick Baird, Joseph Holman, and Hugh Cull.

Franklin county, five members—William H. Eads, James

nor involuntary servitude in any of the said States, otherwise than in punishment of crimes whereof the party shall have been convicted to have been personally guilty.” Those who voted in favor of the proposition were—

Messrs. Foster and Blanchard, of New Hampshire.

“ Gerry and Patridge, of Massachusetts.

“ Ellery and Howell, of Rhode Island.

“ Sherman and Wadsworth, of Connecticut.

“ De Witt and Paine, of New York.

“ Mifflin, Montgomery, and Hand, of Pennsylvania.

Mr. Jefferson, of Virginia.

Mr. Williamson, of North Carolina.

Mr. Dick, of New Jersey—16 members and 6 States.

Those who voted against the proposition were—

Messrs. McHenry and Stone, of Maryland.

“ Hardy and Mercer, of Virginia.

“ Read and Beresford, of South Carolina, and

Mr. Spaight, of North Carolina—7 members and 3 States.

The first proposition to exclude slavery from the northwestern territory was thus defeated in congress, on the 19th of April, 1784. It was one of those propositions which, according to the articles of confederation, required for its adoption the votes of a majority of the thirteen original States; and the vote of a State could not be given in congress by less than two delegates.—
JOURNALS OF THE AMERICAN CONGRESS, FROM 1774 TO 1788, vol. iv, p. 373.

Brownlee, Enoch McCarty, Robert Hanna, jr., and James Noble.

Dearborn county, three members—James Dill, Solomon Manwaring, and Ezra Ferris.

Switzerland county, one member—William Cotton.

Jefferson county, three members—David H. Maxwell, Samuel Smock, and Nathaniel Hunt.

Clark county, five members—Jonathan Jennings, James Scott, Thomas Carr, John K. Graham, and James Lemon.

Harrison county, five members—Dennis Pennington, Davis Floyd, Daniel C. Lane, John Boone, and Patrick Shields.

Washington county, five members—John De Pauw, Samuel Milroy, Robert McIntire, William Lowe, and William Graham.

Knox county, five members—John Johnson, John Badollet, William Polke, Benjamin Parke, and John Benefiel.

Gibson county, four members—David Robb, James Smith, Alexander Devin, and Frederick Rappe.

Warrick county, one member—Daniel Grass.

Perry county, one member—Charles Polke.

Posey county, one member—Dann Lynn.

The convention commenced its session, at Corydon, on the 10th of June, 1816, and continued to meet, from day to day, until the 29th of June; when, having completed the work of forming a State constitution, the members closed the session by a final adjournment. Jonathan Jennings was chosen to preside over the deliberations of the convention; and William Hendricks was elected secretary.

On the 12th of June the president of the convention announced the appointment of the following committees:—

Committee to prepare a bill of rights and preamble to the constitution—Messrs. Badollet, Manwaring, Graham, of Clark, Lane, Smith, and Pennington.

Committee relative to the distribution of the powers of government—Messrs. Johnson, Polke, of Perry, Floyd, Maxwell, and McCarty.

Committee relative to the legislative department of government—Messrs. Noble, Ferris, Milroy, Benefiel, and Grass.

Committee relative to the executive department of government—Messrs. Graham, of Clark, Polke, of Knox, Rappe, Shields, Smock, Smith, Ferris, and Brownlee.

Committee relative to the judicial department of government—Messrs. Scott, Johnson, Dill, Milroy, Noble, Cotton, and Lowe.*

Committee relative to impeachments—Messrs. Dill, Cox, Hunt, Eads, and Carr.

Committee relative to general provisions for the constitution not embraced in the subjects referred to other committees—Messrs. Maxwell, De Pauw, Robb, Scott, and Baird.

Committee relative to the mode of revising the constitution—Messrs. Hanna, Pennington, Devin, Johnson, and Graham, of Washington.

Committee relative to the change of government, and preserving the existing laws until repealed by the State legislature, and providing for appeals from the territorial courts to the State courts—Messrs. Floyd, Lemon, Holman, McIntire, Manwaring, and Benefiel.

Committee relative to education and the universal dissemination of useful knowledge, and other objects which it might be deemed proper to enjoin or advise the State legislature to provide for—Messrs. Scott, Badollet, Polke, of Knox, Lynn, and Boone.

Committee relative to the militia—Messrs. Dill, Hanna, Carr, Cotton, Robb, Holman, Cox, De Pauw, Noble, Rappe, and Benefiel.

Committee relative to elective franchise and elections—Messrs. Ferris, Lemon, Grass, Polke, of Perry, Cull, Smith, and De Pauw.

A committee on prisons was subsequently appointed, and consisted of Messrs. Carr, Pennington, Milroy, Grass, Hunt, Graham, of Washington, and McCarty; and on the 21st of June Messrs. Parke, Badollet, Scott, Johnson, and Ferris were appointed a committee of general revisions.

The act of congress, of the 19th of April, 1816, to enable the people of the Indiana territory to form a constitution and State government, contained certain conditions and propositions with respect to boundaries, jurisdiction, school lands, salt springs, lands for seat of State government, etc. All of these conditions and propositions were ratified and accepted by an ordinance

* Messrs. Parke and Hunt were subsequently added to this committee.

which was passed by the territorial convention, at Corydon, on the 29th of June, 1816.

The convention that formed the first constitution of the State of Indiana was composed, mainly, of clear-minded, unpretending men of common sense, whose patriotism was unquestionable, and whose morals were fair. Their familiarity with the theories of the Declaration of American Independence—their territorial experience under the provisions of the ordinance of 1787—and their knowledge of the principles of the Constitution of the United States, were sufficient, when combined, to lighten, materially, their labors in the great work of forming a constitution for a new State. With such landmarks in view, the labors of similar conventions in other States and territories have been rendered comparatively light.

In the clearness and conciseness of its style—in the comprehensive and just provisions which it made for the maintenance of civil and religious liberty—in its mandates, which were designed to protect the rights of the people, collectively and individually, and to provide for the public welfare—the constitution that was formed for Indiana, in 1816, was not inferior to any of the State constitutions which were in existence at that time.

The officers of the territorial government of Indiana, including the governor, secretary, judges, and all other officers, civil and military, were required, by the provisions of the State constitution, to continue in the exercise of the duties of their respective offices until they should be superseded by officers elected under the authority of the State government. The president of the convention that formed the constitution, was required to “issue writs of election, directed to the several sheriffs of the several counties, requiring them to cause an election to be held for governor, lieutenant-governor, representative to the congress of the United States, members of the general assembly, sheriffs, and coroners, at the respective election districts in each county, on the first Monday in August,* 1816. At the general election which was held at this time, in the several counties of the territory, Jonathan Jennings was elected governor of Indiana. He received 5,211

* Constitution of Indiana, 1816, article xii. section 8.

votes; and his competitor, Thomas Posey, who was then governor of the territory, received 3,934 votes. Christopher Harrison, of Washington county, was elected lieutenant-governor; and William Hendricks was elected to represent Indiana in the house of representatives of the United States.

The voting for members of the first general assembly of the State of Indiana, resulted in the election of the persons whose names here follow:—

Members of the senate: For the county of Knox, William Polke; for the county of Gibson, William Prince; for the counties of Posey, Perry, and Warrick, Daniel Grass; for the county of Wayne, Patrick Baird; for the county of Franklin, John Conner; for the counties of Washington, Orange, and Jackson,* John De Pauw; for the counties of Jefferson and Switzerland, John Paul; for the county of Dearborn, Ezra Ferris; for the county of Harrison, Dennis Pennington; and for the county of Clark, James Beggs.

Members of the house of representatives.—For the county of Wayne, Joseph Holman, Ephraim Overman, and John Scott; for the county of Franklin, James Noble, David Mounts, and James Brownlee; for the county of Dearborn, Amos Lane and Erasmus Powell; for the county of Switzerland, John Dumont; for the county of Jefferson, Williamson Dunn and Samuel Alexander; for the county of Clark, Benjamin Ferguson, Thomas Carr, and John K. Graham; for the county of Harrison, Davis Floyd, Jacob Zenor, and John Boone; for the county of Washington, Samuel Milroy and Alexander Little; for the county of Jackson, William Graham; for the county of Orange, Jonathan Lindley; for the county of Knox, Isaac Blackford, Walter Wilson, and Henry I. Mills; for the county of Gibson, Edmund Hogan and John Johnson; for the county of Posey, Dann Lynn; for the county of Warrick, Ratliff Boon; and for the county of Perry, Samuel Conner.

The first general assembly, elected under the authority of the State constitution, commenced its session, at Corydon, on Monday the 4th of November, 1816. John Paul was called to the chair of the Senate *pro tempore*; and Isaac Blackford was

* The counties of Orange and Jackson were organized in 1816, under the authority of acts of the territorial legislature of December, 1815.

elected speaker of the house of representatives. On Thursday, November 7th, the oath of office was administered to Governor Jennings and to Lieutenant-governor Harrison, in the presence of both houses; immediately after which, Governor Jennings delivered his first message to the general assembly. In this message he said—"Gentlemen of the senate and house of representatives: The period has arrived which has devolved on you the important duty of giving the first impulse to the government of the State. The result of your deliberation will be considered as indicative of its future character, as well as of the future happiness and prosperity of its citizens. The reputation of the State, as well as its highest interest, will require that a just and generous policy toward the general government, and a due regard to the rights of its members respectively, should invariably have their proper influence. In the commencement of the State government, the shackles of the colonial should be forgotten in your united exertions to prove, by happy experience, that a uniform adherence to the first principles of our government, and a virtuous exercise of its powers, will best secure efficiency to its measures and stability to its character. Without a frequent recurrence to those principles, the administration of the government will imperceptibly become more and more arduous, until the simplicity of our republican institutions may eventually be lost in dangerous expedients and political design. Under every free government the happiness of the citizens must be identified with their morals; and while a constitutional exercise of their rights shall continue to have its due weight in the discharge of the duties required of the constituted authorities of the State, too much attention can not be bestowed to the encouragement and promotion of every moral virtue, and to the enactment of laws calculated to restrain the vicious, and prescribe punishment for every crime commensurate to its enormity. In measuring, however, to each crime its adequate punishment, it will be well to recollect, that the certainty of punishment has generally the surest effect to prevent crime; while punishments unnecessarily severe, too often produce the acquittal of the guilty, and disappoint one of the greatest objects of legislation and good government. * * * The dissemination of useful knowledge will be indispensably necessary as a support to morals, and as

a restraint to vice; and, on this subject, it will only be necessary to direct your attention to the plan of education as prescribed by the constitution. * * * I recommend to your consideration the propriety of providing, by law, to prevent more effectually any unlawful attempts to seize and carry into bondage persons of color legally entitled to their freedom; and, at the same time, as far as practicable, to prevent those who rightfully owe service to the citizens of any other State or territory, from seeking, within the limits of this State, a refuge from the possession of their lawful owners. Such a measure will tend to secure those who are free from any unlawful attempts [to enslave them], and secure the rights of the citizens of the other States and territories as far as ought reasonably to be expected."

The territorial government of Indiana was thus superseded by a State government, on the 7th of November, 1816; and the State of Indiana was formally admitted into the Union by a joint resolution of congress, approved on the 11th of December, in the same year.

On the 8th of November, 1816, the general assembly, by a joint vote of both houses, elected James Noble and Waller Taylor to represent the State of Indiana in the senate of the United States. Subsequent joint ballotings resulted in the electing of Robert A. New, secretary of state; William H. Lilley, auditor of public accounts; and Daniel C. Lane, treasurer of State. The session of the first general assembly of the State of Indiana was closed, by a final adjournment, on the 3d of January, 1817.

CHAPTER XLVI.

GENERAL VIEWS OF THE PROGRESS OF POPULATION AND IMPROVEMENTS.

IN the preceding chapters I have traced the history of the discovery and settlement of the territory of the United States northwest of the river Ohio, and the history of Indiana, from the period of its organization under a territorial government to the year 1816, when the citizens of the territory formed for themselves a republican constitution, and established a State government. The history of the State of Indiana, from the year 1816 to the present time, would be, if it were now written in detail, a record of the rapid growth of a State, whose peaceful progress toward a condition of strength and prosperity was sometimes greatly embarrassed by the presence of financial difficulties, once agitated by the events of a war between the United States and Mexico, and often retarded by the disturbing influence of unwise legislation, and by obstacles which had their origin in the demoralizing dissensions of local factions.

The number of free white inhabitants in Indiana, at the close of the year 1816, did not, probably, exceed seventy thousand; but the tide of immigration which flowed into the State from other quarters of the Union, between the years 1816 and 1820, was so full that the population of Indiana, in 1820, according to the census tables of that year, amounted to 147,178. The inhabitants of the new State began to open new farms, to found new settlements, to plant new orchards, to erect school-houses and churches, to build hamlets and towns, and to engage, with some degree of ardor, in the various peaceful pursuits of civilized life. A sense of security pervaded the minds of the people. The hostile Indian tribes, having been overpowered, humbled, and impoverished, no longer excited the fears of the pioneer settlers, who dwelt in safety in their plain log cabin homes, and cultivated their small fields without the protection of armed sentinels. The numerous temporary forts and blockhouses, which were no longer required as places of refuge for the pioneers, were either converted into dwelling houses, or suffered to fall into ruins.

The State was in its infancy, its resources were undeveloped, its citizens were not wealthy, and, while the number of the proper objects of taxation was small, their value, at that time, was not great. The revenue which was necessary for the support of the new State government, was, for a period of about twenty years, drawn almost wholly from the land-holders; and the funds required for county purposes were derived, chiefly, from a poll tax, and taxes on lands, town lots, horses, carriages, clocks, and watches, and from charges on licenses which were granted to the vendors of merchandize, the retailers of spiritous liquors, and the keepers of taverns. For revenue purposes, the taxable lands were classed as first rate, second rate, and third rate lands. The taxes which were levied on such lands, for the support of the State government, were not burdensome. For example, the rate of taxation on *one hundred acres* was—

In 1817, on first rate land, \$1 00; on second rate land, 87½ cents; on third rate land, 50 cents.

In 1818, on first rate land, \$1 00; on second rate land, 87½ cents; on third rate land, 62½ cents.

In 1821, on first rate land, \$1 50; on second rate land, \$1 25; on third rate land, 75 cents.

In 1824, on first rate land, \$1 50; on second rate land, \$1 00; on third rate land, 75 cents.

In 1831, on first rate land, 80 cents; on second rate land, 60 cents; on third rate land, 40 cents.

By an act of February 7, 1835, the general assembly made some provisions for the levying of taxes on land, not according to its quality, but in proportion to its value; and every assessor was required to appraise taxable land “as he would appraise the same in the payment of a just debt due from a solvent debtor.” The new mode of raising a State revenue, by the levying of a certain per centage on the value of taxable property, was, on its adoption, viewed by many persons as a measure of doubtful expediency; but a large majority of the people soon began to regard it as an equitable mode of taxation, and a part of the settled policy of the State government.

The different opinions which were, for many centuries, in conflict in European nations with respect to the policy of supporting and advancing the cause of general education among the people, were transmitted from those nations to North

America by the early colonists. As early as the year 1647, the colonists at Plymouth, by a public act, declared that, "the Lord assisting their endeavors," they would provide for "the education of the people" by establishing schools to teach reading and writing, and "grammar schools to fit youth for the university." But while the greater number of the early emigrants to North America were inclined to regard the idea of popular education with favor, those theorists who, in Europe, were opposed to the general dissemination of knowledge among the masses of mankind, had, for a long period, a small number of faithful representatives of their sentiments among the British colonists of North America. In 1670, one of the English governors of the colony of Virginia, in the course of a reply to some queries which had been addressed to him by commissioners, said:—"I thank God there are no free schools nor printing * * *; for learning has brought disobedience, and heresy, and sects into the world; and printing has divulged them."

These antagonistic theories which were brought from Europe to America, continued, for more than a century, to produce, respectively, their natural results. The cause of popular education, however, acquired new strength on the promulgation of the declaration of American Independence; and, when the successful termination of the Revolutionary War gave to a free people the control of a great nation, the fact that the safety and welfare of the nation depended on the general intelligence and virtue of the people, was so evident that nearly all of the several States of the Union began to provide means for the encouragement and support of popular education; and the general government adopted the policy of making munificent donations of public lands for the support of common schools, colleges, and universities. This policy has been continued by the national government up to the present time.

On the 20th of May, 1785, congress passed an ordinance in relation to the mode of disposing of the public lands in the territory of the United States northwest of the river Ohio. This territory, at that time, embraced within its boundaries all the lands which are now included within the limits of Ohio, Indiana, Illinois, Michigan, and Wisconsin, together with the part of Minnesota which lies on the left bank of the river

Mississippi. The ordinance of May 20th, 1785, declared that one square mile of land, or section No. 16 in every township, should be reserved for the maintenance of public schools. This new policy was confirmed by the third article of compact in the ordinance of congress of July 13, 1787, which declares that "religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall for ever be encouraged."

By these national acts a great principle was asserted and established, and a thirty-sixth part of all lands within the immense northwestern territory was devoted to the maintenance of common schools for the education of the people.

In the course of the territorial existence of Indiana, the subject of schools, for the instruction of youth, was often pressed upon the attention of the people by the friends of popular education. But, from the time of the organization of the territorial government until the adoption of a State constitution, in 1816, the constant presence of insurmountable difficulties prevented the establishing of any system of common school education in Indiana. In 1807 the general assembly of the territory passed an act to incorporate "the Vincennes university," "for the instruction of youth in the Latin, Greek, French, and English languages, mathematics, natural philosophy, ancient and modern history, moral philosophy, logic, rhetoric, and the law of nature and nations." In the preamble to this act, the territorial legislature declared that "the independence, happiness, and energy of every republic depended (under the influences of the destinies of heaven) upon the wisdom, virtue, talents, and energy of its citizens and rulers;" and that "science, literature, and the liberal arts contributed, in an eminent degree, to improve those qualities and acquirements;" and that "learning had ever been found the ablest advocate of genuine liberty—the best supporter of rational religion, and the source of the only solid and imperishable glory which nations can acquire." The first board of trustees of the Vincennes university, being named in the act of incorporation, were—William Henry Harrison, John Gibson, Thomas T. Davis, Henry Vanderburgh, Waller Taylor, Benjamin Parke, Peter Jones, James Johnson, John Badollet, John Rice Jones, George Wallace, William Bullitt, Elias

McNamee, Henry Hurst, General W. Johnston, Francis Vigo, Jacob Kuykendoll, Samuel McKee, Nathaniel Ewing, George Leach, Luke Decker, Samuel Gwathmey, and John Johnson.

By an act of the general assembly, of October 26, 1808, the several courts of common pleas, within the Indiana territory, were invested with full power to lease the sections of lands which had been reserved, in the respective counties, for the use of schools, upon the terms best calculated to improve the lands. Under this law leases of school lands could not be given for a period longer than five years; and the lessee was bound to clear at least ten acres of every quarter section so leased. An act of the legislature, of December 14, 1810, authorized the courts of common pleas to appoint, in the several counties, trustees of the school lands. This act prohibited the leasing, to any one person, of more than one quarter section, or one hundred and sixty acres. The destruction of sugar trees, and the waste of other timber growing on the school lands, were prohibited. There was no further important legislation on the subject of school lands, nor on that of common schools, during the existence of the territorial government.

The first, second, and third sections of the ninth article of the constitution of 1816 required the general assembly to provide, by suitable laws, for the improvement of the lands granted to the State of Indiana for the use of schools—to prevent the sale of such lands prior to the year 1820—and to adopt measures for the security and proper administration of all school funds. The second section of the ninth article of the constitution of 1816, is in these words—"It shall be the duty of the general assembly, as soon as circumstances will permit, to provide, by law, for a general system of education, ascending, in a regular gradation, from township schools to a State university, wherein tuition shall be gratis, and equally open to all." The new constitution of 1851, which makes it the duty of the legislature "to provide, by law, for a general and uniform system of common schools, wherein tuition shall be without charge, and equally open to all," does not mention a State university.

For a long period after the adoption of the first State constitution, the founding of any effective public school system in Indiana was rendered impracticable by the presence of obstacles

which the friends of popular education could neither overcome nor remove. Among the obstacles were the want of funds to build school-houses and to pay teachers—the want of qualified teachers in town and country—the sparseness of the population in school districts—the mismanagement of school funds—the opposition of the few, and the indifference of the many—and the general condition of the pioneer settlers, which was such as to require, for the greater part of each year, the assistance of the younger members of each family, in the work of clearing away the forests, opening farms, and planting, cultivating, and gathering crops. Still, amid all these difficulties, the friends of a general system of public instruction continued to work, and to look forward with hopes of ultimate success.

By an act of the general assembly, of December 14, 1816, provision was made for the appointment of superintendents of school sections in the several townships. These superintendents were authorized to lease school lands, for any term not exceeding seven years. Every lessee of such lands was required to set out, each year, twenty-five apple trees and twenty-five peach trees, until one hundred of each had been planted. Between the years 1816 and 1820 several laws were passed for the incorporation of academies, seminaries and library associations.

By a joint resolution of the general assembly, of January 9, 1821, John Badollet and David Hart, of Knox county, William W. Martin, of Washington county, James Welsh, of Switzerland county, Daniel I. Caswell, of Franklin county, Thomas C. Searle, of Jefferson county, and John Todd, of Clark county, were appointed a committee to draft and report to the next legislature of Indiana a bill providing for a general system of education; and they were instructed to guard, particularly, against “any distinction between the rich and the poor.” The labors of the committee, thus appointed, after having passed under the revision of Judge Benjamin Parke and the general assembly, were incorporated in the first general school law of Indiana, which appears in the revised statutes of 1824, under the title of “an act to incorporate congressional townships,* and providing for public schools therein.”

* A congressional township is a district six miles square, containing thirty-six sections of land.

From the period of the organization of the State government to the present time, the educational interests of Indiana have been regarded with favor by the successive governors of the State. At almost every session of the legislature, either general or special laws have been passed, on the subject of common schools, or in reference to the incorporation of seminaries, academies, colleges, universities, or public libraries. These laws are, however, only memorials of a small part of the labor that has been performed by the friends of education in Indiana. The judicial records of the State show that a very long list of important and complex questions, having reference to school laws, school lands, school funds, etc., have been raised and brought before the courts to be decided. In contemplating this great amount of labor, expended on general and special legislation, and on the judicial adjustment of legal questions, it would be unjust to forget the labors which have been performed by superintendents of public instruction—by numerous legislative committees—by State conventions—by county meetings—by meetings in townships and in school districts—by the various religious denominations which have founded seminaries, academies, and colleges, by preachers of the gospel, and by many private citizens, whose almost forgotten names ought to be kept fresh in the memory of the people of Indiana.

The State system of internal improvements, which was adopted by Indiana, in 1836, was not a new measure; nor did the adoption of the system, at that time, grow out of a new and hasty expression of popular sentiment. For a period of more than ten years, the expediency of providing, by law, for the commencement of a State system of public works, had been discussed before the people of the State by governors, legislators, and distinguished private citizens. In 1822 Indiana and Illinois, conjointly, began to adopt measures which were intended to make provisions for the improvement of the grand rapids of the river Wabash; and in 1823 the subject of connecting the Maumee and Wabash rivers, by a canal navigation, had attracted the attention of the legislative authorities of these two States.

In a message addressed to the general assembly of Indiana, in December, 1822, Governor Hendricks said—"We ought to leave free and unshackled, as far as we can, our resources for

improvement, and purposes which the interests of the State may hereafter require, if not at our hands, at the hands of those who succeed us. * * * Let us not lose sight of those great objects to which the means of the State should, at some future day, be devoted—the navigation of the falls of the Ohio—the improvement of the Wabash, the White river, and other streams—and the construction of the national and other roads through the State.”

Governor Ray, in a message delivered before the legislature, in December, 1826, said—“On the construction of roads and canals, then, we must rely, as the safest and most certain State policy, to relieve our situation, place us among the first States in the Union, and change the cry of ‘hard times’ into an open acknowledgment of contentedness. * * * We must strike at the internal improvement of the State, or form our minds to remain poor and unacquainted with each other.” Again, in his annual message of December, 1827, Governor Ray said—“Within the space of the last fifteen months public lands have been granted to the State of Indiana, through the instrumentality of her public functionaries, estimated to be worth about one million two hundred and fifty thousand dollars, free of cost, for special purposes.* The objects and terms of those immense grants may be seen by a reference to the two treaties, made in the fall of the year 1826, with the Miami and Pottawattamie nations of Indians, and two acts of the last congress of the United States. * * * It is believed that the most sanguine politician will be unable to point to any combination of circumstances which will again place under the control of the State, *in the same time*, and, perhaps, not for half a century—perhaps never—such extensive and valuable resources for prosecuting a grand system of internal improvement to a successful termination, and for the ultimate production of a revenue that shall relieve our fellow-citizens from taxation.” In a message delivered to the legislature in 1829, Governor Ray said—“This subject, [State internal improvement,] though more than once pressed upon the attention of the legislature, can

* Governor Ray refers to the lands which were granted to aid in the construction of a canal to connect the waters of the Wabash and lake Erie, and in the making of a road from lake Michigan, through Indianapolis, to the Ohio river.

never grow irksome, since it must be the source of many of the blessings of civilized life; to secure its benefits is a duty enjoined upon the legislature by the obligations of the social compact."

Governor Noble, in his inaugural address before the general assembly, in 1831, said—"It is obvious, then, that while the general government is preparing the great national thoroughfares, and creating consumption by fostering manufactures, it is our interest and duty, faithfully and economically, to apply the means placed at our control by the national government, to their legitimate objects, and to exert ourselves to call into requisition the latent resources and energies of the State to improve our rivers; and, by making lateral roads and canals, to facilitate the conveyance of the various commodities of our State." In a message addressed to the legislature, in 1834, Governor Noble said—"Since the beneficial policy of engaging in public works for the advancement of the agricultural and commercial interests of the country has been so frequently and clearly demonstrated, and while our credit is justly such as to command any amount of capital, at an interest of five per cent. or less, no good reason can be assigned why we should longer hesitate to follow the successful examples of other States."

The work of opening a road from lake Michigan, through Indianapolis, to Madison, on the river Ohio, was begun, under the authority of the State, in 1830; and the construction of that part of the Wabash and Erie canal, which lies within the borders of Indiana, was commenced in 1832. In 1836 the financial affairs of the country seemed to be in sound condition, and the minds of the people of Indiana were fully prepared to regard, with favor, the commencement of an extensive system of State internal improvements. The adjustment of the details of the system was, however, a matter of great difficulty; and the legislature was, in some instances, forced to make special provisions for the construction of needless and costly works, in order to prevent the defeat of the general system. Ten millions of dollars were appropriated to carry on the system. In fixing the mode of organizing a State board of internal improvement, and in defining the duties and powers of this board, the general assembly of 1836 committed several material errors. On account of these errors, and for other reasons, the internal

improvement law of 1836 encountered a strong opposition; and this opposition was most marked among the people of those counties through which the lines of the proposed public works did not pass.

Governor Noble, in his last annual message, delivered to the legislature in December, 1837, said:—"In the experience and events of the year, nothing has been witnessed of a character to discourage the progress or the ultimate success of the system [of internal improvements]. On the contrary we see much to strengthen our convictions of the wisdom of the policy, and to inspire us with increased confidence in the ability of the State, with wise and provident legislation, to accomplish the whole undertaking."

Governor Wallace, in his inaugural address, of December, 1837, spoke favorably of the progress of the State system of internal improvements, and recommended strict economy in the prosecution of the public works. The laws by which the system was controlled rendered the observance of economy impracticable; and the errors of legislation continued to produce their natural results, until the summer of the year 1839, a period of financial embarrassment throughout the United States, when the contractors on the public works of Indiana generally suspended their operations, and, soon afterward, abandoned their contracts. In December, 1839, Governor Wallace, in his annual message to the legislature said:—"The failure to procure funds, as we had a right to expect from the extensive sale of State bonds effected in the early part of the season, has led to great and unusual embarrassments, not only among the contractors and laborers, but also among the people. The State has, in consequence, fallen largely in debt to the former, and is without the means in possession of discharging it. * * * What shall be done with the public works? Shall they be abandoned altogether? I hope not. In my opinion, the policy of the State, in the present emergency, should be, first, to provide against the dilapidation of those portions of the works left in an unfinished state; and, secondly, as means can be procured, to finish some entirely, and complete others, at least, to points where they may be rendered available or useful to the country."

In order to provide means for the payment of the contractors and other public creditors, the legislature authorized

an issue of State treasury notes, to the amount of one million five hundred thousand dollars. These notes formed a circulating medium, which, for a brief period, passed at its nominal value; but, early in the summer of 1842, when there was about one million of dollars of this currency in circulation among the people, it suddenly depreciated in value from 40 to 50 per cent.

During the administration of Governor Bigger, in the course of the years 1841, 1842, and 1843, various remedial measures were adopted with a view to relieve the State from the burdens which had been imposed on it by the maintenance of an unwise policy in carrying on the internal improvement system. An attempt was made to classify the public improvements. The board of internal improvements was abolished; the public works were placed under the care of commissioners and agents, and provisions were made for the surrender of all, or any, of these works to private companies on certain conditions. At the close of the year 1841, the total length of the railroads, turnpike roads, and canals, embraced in the internal improvement system of 1836, amounted to twelve hundred and eighty-nine miles—of which two hundred and eighty-one miles had been completed at an aggregate cost of \$8,164,528 21; and it was estimated that the total cost of the completion of all the works would amount to the sum of \$19,914,244. In 1841, the public debt of the State, including all its liabilities, amounted to \$15,088,146*—namely:

For bonds sold for internal improvement system, proper, of 1836,...	\$7,050,000
For the Wabash and Erie canal,.....	1,727,000
For the establishment of the State Bank,.....	1,390,000
For the enlargement of the capital of the State Bank,.....	1,000,000
Amount of treasury notes outstanding,.....	1,300,000
Due State Bank for advances on public works,.....	693,146
Bonds hypothecated,.....	665,000
Hypothecated bonds sold,.....	404,000
Advanced to the State Bank, in anticipation of the fourth instalment of the surplus revenue,.....	294,000
For July, 1841, instalment of interest,.....	259,000
For bonds advanced to Lawrenceburg and Indianapolis railroad co.,	221,000
Interest on outstanding treasury notes,.....	85,000
Total,.....	\$15,088,146

* Governor Bigger's annual message to the legislature, December, 1841.

For a period of several years Indiana was not prepared to pay the interest on her internal improvement debt. Her financial condition was, in this respect, similar to that of several other States of the Union. The general assembly, however, by acts of January 19, 1846, and January 27, 1847, during the administration of Governor Whitcomb, made provisions for the adjustment of the debt due to the holders of Indiana State bonds, and for the completion of the Wabash and Erie canal to Evansville.

The official reports of the auditors of public accounts show that the amounts of interest and exchange paid, annually, on the State debt, from the year 1847 to the close of the fiscal year 1856, were—

In the year 1847,.....	\$ 78,600 00
In the year 1848,.....	183,730 00
In the year 1849,.....	188,344 00
In the year 1850,.....	188,595 00
In the year 1851,.....	203,718 00
In the year 1852,.....	199,784 00
In the year 1853,.....	249,127 75
In the year 1854,.....	302,012 02
In the year 1855,.....	311,619 14
In the year 1856,.....	319,934 34

CHAPTER XLVII.

CESSION OF DELAWARE LANDS—INDIAN TREATIES—SEAT OF GOVERNMENT—BLACKHAWK WAR—MEXICAN WAR—NEW CONSTITUTION—STATISTICAL TABLES.

ON the 3d of October, 1818, at a treaty concluded at St. Mary's, in the State of Ohio, the Delaware Indians ceded to the United States all their claims to lands lying within the boundaries of the State of Indiana. The United States agreed to pay a perpetual annuity of four thousand dollars to the Delawares, to provide for their residence a country on the western side of the river Mississippi, and to guarantee to them the peaceable possession of the same. The commissioners who negotiated this treaty, on the part of the United States, were Jonathan Jennings, Lewis Cass, and Benjamin Parke. The Delawares reserved the right to occupy their lands, in Indiana, for a period of three years from the date of the treaty.

By the provisions of forty-four distinct treaties or agreements, concluded at different times between the commencement of the year 1795 and the close of the year 1840, the Pottawattamies, the Delawares, the Kickapoos, and the several tribes of Miamis, sold and ceded to the United States their respective claims to lands within the present limits of the State of Indiana, and agreed to remove to separate districts of country situated westward of the Mississippi river.

In conformity with provisions of acts of congress of April 19, 1816, and March 3, 1819, the general assembly of Indiana, by a law approved on the 11th of January, 1820, appointed ten commissioners* to select and locate a quantity of land, not

* The names of these commissioners were George Hunt of Wayne county, John Conner of Fayette county, Stephen Ludlow of Dearborn county, Joseph Bartholomew of Clark county, John Tipton of Harrison county, Thos. Emerson of Knox county, Jesse B. Durham of Jackson county, John Gilliland of Switzerland county, Frederick Rappe of Posey county, and William Prince of Gibson county. Mr. Prince took no part in the proceedings of the commissioners.

exceeding four sections, for a site for the permanent seat of the State government. The commissioners, in obedience to a proclamation issued by Governor Jennings, met "at the house of William Conner, on the west fork of White river," on the 22d of May, 1820. A site for the permanent seat of government was selected and located on the 7th of June; and the selection was confirmed by an act of the legislature of January 6, 1821—which act declared that the new seat of government should be called by the name of Indianapolis. The town of Corydon, in Harrison county, continued to be the seat of government until the 10th day of January, 1825.

In the early part of the year 1832, the hostile acts of a Sae Indian chief, Blackhawk, and his followers, disturbed the peace of the northern frontiers of Illinois, and aroused feelings of alarm among the people of the new and weak settlements on and near the northwestern borders of Indiana. In order to prevent the breaking up of these settlements, and to remove the feelings of alarm which prevailed among the settlers, Governor Noble sent two detachments of militia to the northern frontiers of the State—issued orders, in which discretionary powers were given to commanding generals of the militia of counties lying along the borders of the river Wabash—and ordered small detachments of mounted riflemen to be stationed at different points, "from the skirts of the settlements beyond the Wabash, to the lake."* The hostile Indians, however, did not invade the State of Indiana. They were, finally, defeated and subdued by detachments of United States troops and Illinois militia, in the month of August, 1832.

In the course of the years 1846 and 1847, during the progress of the war between the United States and Mexico, "more than eight regiments"† of Indiana infantry responded to the call of the general government for volunteers to serve in that war. The services of five regiments of Indiana volunteers were accepted by the war department. All of these five regiments, in the discharge of their duties, passed through many of the trials and dangers of a state of war; and, on the battle-fields of Mexico, some of them (more favored by opportunities than

* Message of Governor Noble, December 4, 1832.

† Report of Adjutant-general of Indiana, November 30, 1848.

others) achieved, by their valor, an honorable distinction for themselves; and contributed, in no small measure, to the support and advancement of the reputation of the citizen-soldiery of the United States.

The Indiana asylum, for the education of the deaf and dumb, was established by an act of the general assembly, which was approved on the 15th of January, 1844. Provisions were made for the founding of the State hospital for the insane, by legislative acts of January 15, 1844, and January 13, 1845; and the State institute, for the education of the blind, was established under the authority of an act of January 27, 1847. These three benevolent institutions of Indiana will pass on to the future as fair memorials of the generous state of public sentiment which prevailed among the people to whom these institutions owe their origin and their early support.

The first State constitution of Indiana, which was formed in 1816, was revised, and altered in several material points, by a convention which met, in pursuance of law, at Indianapolis, on the 7th of October, 1850. This convention was composed of one hundred and fifty delegates, who continued to hold sessions, from day to day, until the 10th of February, 1851—on which day, having finished the work of forming a new constitution, they dissolved the convention by a final adjournment. The new constitution, on being submitted to the qualified voters of the State, for their approval or for their rejection, was adopted by votes which stood thus: *For the constitution*, one hundred and nine thousand three hundred and nineteen votes; *against the constitution*, twenty-six thousand seven hundred and fifty-five votes.* The old constitution of 1816, was superseded by the new constitution, on the 1st of November, 1851.

Some interesting and useful statistical information concerning the public affairs of Indiana, will be found in the following tabular statements, which have been carefully compiled from official documents.

* The thirteenth article of the new constitution—which article was, professedly, designed to provide for the exclusion and colonization of negroes and mulattoes—was submitted, as a distinct proposition, to the people of the State for their approval or disapproval. The article was adopted as a part of the constitution, by a vote of 109,976 to 21,066

Abstract of Treaties, by which Indian rights to lands lying within the present limits of Indiana have been extinguished.

Indian Tribes.	Date of Treaty, and where concluded.	By whom negotiated, on part of the United States.
Miamis, Pottawattamies, etc., Miamis, Delawares, etc., Miamis, Kickapoos, etc., Delawares, Piankeshaws, (Miamis), Miamis, Delawares, etc., Piankeshaws, (Miamis), Miamis, Delawares, etc., Weas, (Miamis), Kickapoos, Kickapoos and Weas, Delawares, Shawanees, etc.,	Greenville, August 3, 1795, Fort Wayne, June 7, 1803, Vincennes, August 7, 1803, Vincennes, August 18, 1804, Vincennes, August 27, 1804, { Grouseland, near Vincennes, August 21, 1805, Vincennes, Dec. 30, 1805, Fort Wayne, Sept. 30, 1809, Vincennes, October 26, 1809, Vincennes, Dec. 9, 1809, Fort Harrison, June 4, 1816, { Rapids of Maumee, Sept. 29, 1817,	Anthony Wayne. William Henry Harrison. William Henry Harrison. William Henry Harrison. William Henry Harrison. William Henry Harrison. William Henry Harrison. Benjamin Parke. Lewis Cass and Duncan McArthur.
Pottawattamies,	St. Mary's, Ohio, Oct. 2, 1818,	Jonathan Jennings, Lewis Cass, and Benjamin Parke.
Weas, (Miamis),	St. Mary's, Ohio, Oct. 2, 1818,	Jonathan Jennings, Lewis Cass, and Benjamin Parke.
Delawares,	St. Mary's, Ohio, Oct. 3, 1818,	Jonathan Jennings, Lewis Cass, and Benjamin Parke.
Miamis,	St. Mary's, Ohio, Oct. 6, 1818,	Jonathan Jennings, Lewis Cass, and Benjamin Parke.
Kickapoos, Weas, (Miamis), Kickapoos, Pottawattamies, etc.,	Fort Harrison, Aug. 30, 1819, Vincennes, August 11, 1820, Vincennes, Sept. 5, 1820, Chicago, August 21, 1821,	Benjamin Parke. Benjamin Parke. Benjamin Parke. Benjamin Parke.
Pottawattamies,	{ Near mouth of Mississinewa, October 16, 1825,	Lewis Cass and Solomon Sibley.
Miamis,	{ Near mouth of Mississinewa, October 23, 1826,	Lewis Cass, James B. Ray, and John Tipton.
Eel river Miamis (Thorntowns),	Wyandot village, on Wild Cat creek, 6 or 7 miles southeast of Lafayette, near Wabash, February 11, 1828,	John Tipton.
Pottawattamies,	Mission on the St. Joseph, September 20, 1828,	Lewis Cass and Pierre Menard.
Pottawattamies,	Camp Tippecanoe, October 20, 1832,	Jonathan Jennings, John W. Da- vis, and Marks Crume.
Pottawattamies,	Tippecanoe river, October 26, 1832,	Jonathan Jennings, John W. Da- vis, and Marks Crume.
Pottawattamies,	Tippecanoe river, October 26, 1832,	Jonathan Jennings, John W. Da- vis, and Marks Crume.
Miamis,	Forks of Wabash, October 23, 1834; ratified Nov. 10, 1837,	William Marshall and Jonathan Keller.
Pottawattamie band,	Camp on Lake Mux-i-ne- kuck-e, Dec. 4, 1834.	William Marshall.
Pottawattamie band,	Camp on Tippecanoe, Dec. 10, 1834.	William Marshall.
Pottawattamies,	Pottawattamie Mills, Dec. 16, 1834,	William Marshall.
Pottawattamie band,	Agency, Logansport, Dec. 17, 1834,	William Marshall.
Pottawattamie band,	Turkey creek Prairie, March 26, 1836,	Abel C. Pepper.
Pottawattamie band,	Tippecanoe river, March 29, 1836,	Abel C. Pepper.
Pottawattamie band,	Camp on Tippecanoe river, April 11, 1836,	Abel C. Pepper.
Pottawattamie bands,	Indian Agency, Indiana, April 22, 1836,	Abel C. Pepper.
Pottawattamie bands,	Indian Agency, Indiana, April 22, 1836,	Abel C. Pepper.
Pottawattamie bands,	{ Camp near Yellow river, August 5, 1836,	Abel C. Pepper.
Pottawattamie band,	Chippewanung, Sept. 20, 1836,	Abel C. Pepper.
Pottawattamie band,	Chippewanung, Sept. 22, 1836,	Abel C. Pepper.
Pottawattamies of the Wabash,	Chippewanung, Sept. 23, 1836,	Abel C. Pepper.
Pottawattamie bands,	{ Washington city, Feb. 11, 1837,	John T. Douglass.
Miamis,	{ Forks of Wabash, Nov. 6, 1838,	Abel C. Pepper.
Miamis,	{ Forks of Wabash, Nov. 28, 1840,	Samuel Milroy and Allen Hamil- ton.

Years.	Population.	Value of Taxables.	Receipts.	Expenditures.
1816	147,178		\$10,000 00*	
1817			17,953 15	\$21,428 33
1818			17,485 59	20,047 39
1819			12,412 04	11,869 24
1820			17,000 17	20,036 24
1821			47,516 67	23,866 14
1822			25,174 45	46,395 17
1823			35,643 44	27,044 02
1824			61,705 89	36,852 09
1825			21,594 18	41,170 01
1826			30,867 10	32,063 50
1827			46,545 88	33,208 19
1828	343,031		43,321 08	51,126 31
1829			41,023 60	42,247 93
1830			65,344 48	41,408 23
1831			115,162 04	105,173 90
1832			97,683 34	110,194 53
1833			122,139 38	136,776 97
1834			106,797 08	121,372 23
1835			107,714 63	103,901 46
1836			120,126 83	126,264 14
1837			98,206 97	98,206 97
1838			195,965 54	172,494 01
1839	685,866	\$107,037,715	186,653 04	179,658 25
1840		91,756,018	1,694,158 13	1,684,936 90
1841		95,518,763	451,637 22	421,874 15
1842		109,173,610	1,748,859 98	1,177,218 73
1843		103,709,853	891,934 17	1,028,592 38
1844		115,590,065	1,844,240 58	1,472,494 14
1845		118,615,197	1,132,413 76	831,955 26
1846		122,265,686	874,461 23	1,053,926 53
1847		124,558,060	794,025 31	955,404 78
1848		128,960,986	1,245,306 36	979,191 48
1849		133,419,056	872,243 35	1,137,398 25
1850	988,416	137,443,565	1,432,442 78	1,513,534 04
1851		210,973,643	984,398 95	1,150,988 66
1852		230,009,189	1,283,064 84	1,061,605 58
1853		266,097,614	1,620,943 74	1,509,305 32
1854		290,418,148	2,094,818 03	1,645,544 95
1855		301,858,474	1,204,683 99	1,700,090 82
1856		306,797,819	1,495,486 99	1,338,976 11

* Loans obtained from the Vincennes Bank. Nothing was paid out of the State treasury, in 1816.

TERRITORIAL AND STATE GOVERNMENT.

Arthur St. Clair, governor of "the territory of the United States northwest of the river Ohio," from Oct. 5, 1787, to July 4, 1800.

GOVERNORS OF INDIANA TERRITORY.

William Henry Harrison, from July 4, 1800, to 1812.
John Gibson, (acting governor,) from 1812 to 1813.
Thomas Posey, from March 3, 1813, to November 7, 1816.

GOVERNORS OF THE STATE OF INDIANA.

Jonathan Jennings, from November 7, 1816, to December 4, 1822.
William Hendricks, from December 4, 1822, to February 12, 1825.
James B. Ray,* from December 7, 1825, to December 7, 1831.
Noah Noble, from December 7, 1831, to December 6, 1837.
David Wallace, from December 6, 1837, to December 9, 1840.
Samuel Bigger, from December 9, 1840, to December 6, 1843.
James Whitcomb, from December 6, 1843, to December 26, 1848.
Joseph A. Wright, from December 6, 1849, to January 12, 1857.
Ashbel P. Willard, inaugurated January 12, 1857.

LIEUTENANT GOVERNORS.

Christopher Harrison, from 1816, to December 17, 1818.
Ratliff Boon, from 1819 to 1824.
James B. Ray, president of the senate and acting lieutenant-governor from 1824 to 1825.
John H. Thompson, from 1825 to 1828.
Milton Stapp, from 1828 to 1831.
David Wallace, from 1831 to 1837.
David Hillis, from 1837 to 1840.
Samuel Hall, from 1840 to 1843.
Jesse D. Bright, from 1843 to 1845.
Godlove S. Orth, president of senate and acting lieutenant-governor, 1845.
James G. Read, president of senate and acting lieutenant-governor, 1846.
Paris C. Dunning,† from 1846 to 1848.
James G. Read, president of senate and lieutenant-governor, 1849.
James H. Lane, from 1849 to 1853.
Ashbel P. Willard, from 1853 to 1857.
Abram A. Hammond, 1857.

* Mr. Ray was acting governor from February 12, 1825, to December 7, 1825.

† Mr. Dunning was acting governor from December 26, 1848, to December 6, 1849.

SECRETARIES OF STATE.

Robert A. New, from 1816 to 1825.
William W. Wick, from 1825 to 1829.
James Morrison, from 1829 to 1833.
William Sheets, from 1833 to 1837.
William J. Brown, from 1837 to 1841.
William Sheets, from 1841 to 1845.
John H. Thompson, from 1845 to 1849.
Charles H. Test, from 1849 to 1853.
Nehemiah Hayden, from 1853 to 1855.
Erasmus B. Collins, from 1855 to 1857.
Daniel McClure, in 1857.

AUDITORS OF PUBLIC ACCOUNTS.

William H. Lilley, from 1816 to 1829.
Morris Morris, from 1829 to 1844.
Horatio J. Harris, from 1844 to 1847.
Douglas Maguire, from 1847 to 1850.
E. W. H. Ellis, from 1850 to 1853.
John P. Dunn, from 1853 to 1855.
Hiram E. Talbott, from 1855 to 1857.
John W. Dodd, in 1857.

TREASURERS OF STATE.

Daniel C. Lane, from 1816 to 1823.
Samuel Merrill, from 1823 to 1834.
Nathan B. Palmer, from 1834 to 1841.
George H. Dunn, from 1841 to 1844.
Royal Mayhew, from 1844 to 1847.
Samuel Hannah, from 1847 to 1850.
James P. Drake, from 1850 to 1853.
Elijah Newland, from 1853 to 1855.
William R. Nofsinger, from 1855 to 1857.
Aquilla Jones, in 1857.

SPEAKERS OF THE HOUSE OF REPRESENTATIVES.

Isaac Blackford, first session.
Amos Lane, second session.
Williamson Dunn, third and fourth sessions.
William Graham, fifth session.
Samuel Milroy, sixth session.
General Washington Johnston, seventh session.
David H. Maxwell, eighth session.

Stephen C. Stevens, ninth session.
Robert M. Evans, tenth session.
Harbin H. Moore, eleventh, twelfth, and sixteenth sessions.
Isaac Howk, thirteenth and fifteenth sessions.
Ross Smiley, fourteenth session.
John W. Davis, seventeenth, twenty-sixth, and thirty-fifth sessions.
Nathan B. Palmer, eighteenth session.
James Gregory, nineteenth session.
Caleb B. Smith, twentieth and twenty-first sessions.
Thomas J. Evans, twenty-second and twenty-third sessions.
James G. Read, twenty-fourth session.
Samuel Judah, twenty-fifth session.
Thomas J. Henley, twenty-seventh session.
Andrew L. Robinson, twenty-eighth session.
Alexander C. Stevenson, twenty-ninth session.
John S. Simonson, thirtieth session.
Robert N. Carnan, thirty-first session.
William A. Porter, thirty-second session.
George W. Carr, thirty-third session.
Ebenezer Dumont, thirty-fourth session.
William H. English, thirty-sixth session.
Oliver B. Torbet, thirty-seventh session.
David Kilgore, thirty-eighth session.
Ballard Smith, thirty-ninth session.

JUDGES OF THE SUPREME COURT OF THE STATE OF INDIANA.

James Scott, from December 28, 1816. to January 28, 1831.
John Johnston, from December 28, 1816, to 1817.
Jesse L. Holman, from December 28, 1816, to January 28, 1831.
Isaac Blackford, from December 10, 1817, (appointed in place of John Johnson, deceased,) to January 3, 1853.
Stephen C. Stevens, from January 28, 1831, to May, 1836, (resigned.)
John T. McKinney, from January 28, 1831, to 1837.
Charles Dewey, from May 30, 1836, to January 29, 1847.
Jeremiah Sullivan, from May 29, 1837, to January 21, 1846.
Samuel E. Perkins, from January 21, 1846, to present time, July, 1857.
Thomas L. Smith, from January 29, 1847, to January 3, 1853.
Andrew Davison, from January 3, 1853, to present time, July, 1857.
William Z. Stuart, from January 3, 1853, to present time, July, 1857.
Addison L. Roache, from January 3, 1853, to 1854.
Alvin P. Hovey, from May 8, 1854, (in place of Judge Roache, resigned,) to November 6, 1854.
Samuel B. Gookins, from November 6, 1854, to present time, July, 1857.

TABULAR STATEMENT

Of the quantities of lands granted by the United States to Indiana for Internal Improvements, and other purposes, up to January 1, 1857.

For common schools, (sixteenth section,) - - - - -	-	-	-	-	-	631,863.71 acres.
For university, college, or seminary, by act of April 19, 1816, - - - - -	-	-	-	-	-	46,080.00 "
For Michigan road, by act of March 2, 1827, - - - - -	-	-	-	-	-	170,582.20 "
For Wabash and Erie canal, by acts of Mar. 2, 1827, Feb. 27, 1841, and Mar. 3, 1845, - - - - -	-	-	-	-	-	1,439,279.41 "
For permanent seat of government, by act of March 3, 1819, - - - - -	-	-	-	-	-	2,560.00 "
Swamp lands* granted to Indiana, by act of September 28, 1850, - - - - -	-	-	-	-	-	1,209,422.09 "
Saline land, granted by act of April 19, 1816, - - - - -	-	-	-	-	-	24,235.58 "
Total, - - - - -	-	-	-	-	-	<u>3,524,022.99 acres.</u>

* The proceeds of the sales of these lands, after deducting the expense of drainage, etc., are appropriated, by the constitution, to the support of common schools.

APPENDIX.

APPENDIX A.

TREATY OF FORT McINTOSH.

ARTICLES of a treaty concluded at Fort McIntosh, the twenty-first day of January, one thousand seven hundred and eighty-five, between the commissioners plenipotentiary of the United States of America, of the one part, and the sachems and warriors of the Wyandot, Delaware, Chippewa, and Ottawa nations of the other.

The commissioners plenipotentiary of the United States in congress assembled, give peace to the Wyandot, Delaware, Chippewa, and Ottawa nations of Indians, on the following conditions:

ART. 1. Three chiefs, one from among the Wyandot, and two from among the Delaware nations, shall be delivered up to the commissioners of the United States, to be by them retained till all the prisoners, white and black, taken by the said nations or any of them, shall be restored.

ART. 2. The said Indian nations do acknowledge themselves and all their tribes to be under the protection of the United States, and of no other sovereign whatsoever.

ART. 3. The boundary line between the United States and the Wyandot and Delaware nations, shall begin at the mouth of the river Cayahoga, and run thence up the said river to the portage between that and the Tuscarawas branch of Muskingum; then down the said branch to the forks at the crossing place above Fort Lawrence; then westerly to the portage of the Big Miami, which runs into the Ohio, at the mouth of which branch the fort stood which was taken by the French in one thousand seven hundred and fifty-two; then along the said portage to the Great Miami or Ome river, and down the southeast side of the same to its mouth; thence along the south shore of lake Erie to the mouth of Cayahoga, where it began.

ART. 4. The United States allot all the lands contained within the said lines to the Wyandot and Delaware nations, to live and to hunt on, and to such of the Ottawa nation as now live thereon—saving and reserving for the establishment of trading-posts six miles square at the mouth of Miami or Ome river, and the same at the portage on that branch of the Big Miami which runs into the Ohio, and the same on the lake of Sandusky where the fort formerly stood, and also two miles square on each side of the lower rapids of Sandusky river, which posts and the lands annexed to them, shall be to the use and under the government of the United States.

ART. 5. If any citizen of the United States, or other person, not being an Indian, shall attempt to settle on any of the lands allotted to the Wyandot

and Delaware nations in this treaty, except on the lands reserved to the United States in the preceding article, such person shall forfeit the protection of the United States, and the Indians may punish him as they please.

ART. 6. The Indians who sign this treaty, as well in behalf of all their tribes as of themselves, do acknowledge the lands east, south, and west of the lines described in the third article, so far as the said Indians formerly claimed the same, to belong to the United States; and none of their tribes shall presume to settle upon the same or any part of it.

ART. 7. The post of Detroit, with a district beginning at the mouth of the river Rosine, on the west end of lake Erie, and running west six miles up the southern bank of the said river, thence northerly and always six miles west of the strait, till it strikes the lake St. Clair, shall be also reserved to the sole use of the United States.

ART. 8. In the same manner the post of Michilimacinae, with its dependencies, and twelve miles square about the same, shall be reserved to the use of the United States.

ART. 9. If any Indian or Indians shall commit a robbery or murder on any citizen of the United States, the tribe to which such offenders may belong shall be bound to deliver them up at the nearest post, to be punished according to the ordinances of the United States.

ART. 10. The commissioners of the United States, in pursuance of the humane and liberal views of congress upon this treaty being signed, will direct goods to be distributed among the different tribes for their use and comfort.

SEPARATE ARTICLE.

It is agreed that the Delaware chiefs, Kelelamand or Colonel Henry, Hengue Pushees or the Big Cat, Wicocalind or Captain White Eyes, who took up the hatchet for the United States, and their families, shall be received into the Delaware nation in the same situation and rank as before the war, and enjoy their due portions of the lands given to the Wyandot and Delaware nations in this treaty, as fully as if they had not taken part with America, or as any other person or persons in the said nations.

WITNESSES:

Saml. J. Atlee,	} P. Commis-
Fras. Johnston,	
Alex. Campbell,	tioners.
Jos. Harmar, Lieut. Col. Com't.	
Alex. Lowrey,	
Joseph Nicholas, interpreter,	
I. Bradford,	
George Slaughter,	
Van Swearingen,	
John Boggs,	
G. Evans,	
D. Luckett.	

Go. Clark,
 Richard Butler,
 Arthur Lee,
 Daunghquot, his x mark,
 Abraham Kuhn, his x mark,
 Ottawerreri, his x mark,
 Hobocan, his x mark,
 Walendightun, his x mark,
 Talapoxic, his x mark,
 Wingenum, his x mark,
 Packelant, his x mark,
 Gingewanno, his x mark,
 Waanoos, his x mark,
 Konalawassee, his x mark,
 Shawnaquum, his x mark,
 Quecookkia, his x mark.

TREATY OF FORT STANWIX.

ARTICLES of a treaty concluded at Fort Stanwix, on the twenty-second day of October, one thousand seven hundred and eighty-four, between Oliver Wolcott, Richard Butler, and Arthur Lee, commissioners plenipotentiary from the United States, in congress assembled, on the one part, and the sachems and warriors of the Six Nations on the other.

The United States of America give peace to the Senekas, Mohawks, Onondagas, and Cayugas, and receive them into their protection upon the following conditions:

ART. 1. Six hostages shall be immediately delivered to the commissioners by the said nations, to remain in possession of the United States till all the prisoners, white and black, which were taken by the said Senekas, Mohawks, Onondagas, and Cayugas, or by any of them, in the late war, from among the people of the United States, shall be delivered up.

ART. 2. The Oneida and Tuscarora nations shall be secured in the possession of the lands on which they are settled.

ART. 3. A line shall be drawn, beginning at the mouth of a creek, about four miles east of Niagara, called Oyonwayea or Johnston's Landing Place, upon the lake, named by the Indians Oswego, and by us Ontario; thence southerly, in a direction always four miles east of the carrying-path, between lake Erie and Ontario, to the mouth of Tehoseroron or Buffalo creek, on lake Erie; thence south to the north boundary of the State of Pennsylvania; thence west to the end of the said north boundary; thence south along the west boundary of the said State to the river Ohio; the said line, from the mouth of the Oyonwayea to the Ohio, shall be the western boundary of the lands of the Six Nations; so that the Six Nations shall and do yield to the United States all claims to the country west of the said boundary; and then they shall be secured in the peaceful possession of the lands they inhabit east and north of the same, reserving only six miles square round the fort of Oswego to the United States for the support of the same.

ART. 4. The commissioners of the United States, in consideration of the present circumstances of the Six Nations, and in execution of the humane and liberal views of the United States, upon the signing of the above articles, will order goods to be delivered to the said Six Nations for their use and comfort.

Oliver Wolcot,
Richard Butler,
Arthur Lee.

MOHAWKS.

Onogwendahonji, his x mark,
Touighnatogon, his x mark.

ONONDAGAS.

Oheadarighton, his x mark,
Kendarindgon, his x mark.

SENEKAS.

Tayagonendagighti, his x mark,
Tehonwaeaghrigagi, his x mark.

WITNESSES.

Sam. Jo. Atlee,	} Penn. Commis-
Wm. Maclay,	
Fras. Johnson,	
	sioners.

Aaron Hill,
 Alexander Campbell,
 Saml. Kirkland, missionary,
 James Dean,
 Saml. Montgomery,
 Derick Lane, captain,
 John Mercer, lieutenant,
 Wm. Pennington, lieutenant,
 Mahlon Hord, ensign
 Hugh Peebles,

ONEIDAS.
 Otyadonenghti, his x mark.
 Dagaheari, his x mark.
 CAYUGA.
 Oraghgoanendagen, his x mark.
 TUSKARORAS.
 Ononghsawenghti, his x mark,
 Tharondawagon, his x mark.
 SENEKA ABEAL.
 Kayenthoghke, his x mark.

APPENDIX B.

AN ORDINANCE, ETC.

An ordinance for ascertaining the mode of disposing of lands in the western territory.

Be it ordained by the United States in congress assembled, that the territory ceded by individual States to the United States, which has been purchased of the Indian inhabitants, shall be disposed of in the following manner:

A surveyor from each State shall be appointed by congress, or a committee of the States, who shall take an oath for the faithful discharge of his duty, before the geographer of the United States, who is hereby empowered and directed to administer the same; and the like oath shall be administered to each chain-carrier by the surveyor under whom he acts.

The geographer, under whose direction the surveyors shall act, shall occasionally form such regulations for their conduct as he shall deem necessary: and shall have authority to suspend them for misconduct in office, and shall make report of the same to congress or to the committee of the States: and he shall make report in case of sickness, death, or resignation of any surveyor.

The surveyors, as they are respectively qualified, shall proceed to divide the said territory into townships of six miles square by lines running due north and south, and others crossing these at right angles, as near as may be, unless where the boundaries of the late Indian purchases may render the same impracticable, and then they shall depart from this rule no farther than such particular circumstances may require. And each surveyor shall be allowed and paid at the rate of two dollars for every mile in length he shall run, including the wages of chain-carriers, markers, and every other expense attending the same.

The first line running north and south as aforesaid, shall begin on the river Ohio at a point that shall be found to be due north from the western termination of a line which has been run as the southern boundary of the

State of Pennsylvania; and the first line running east and west shall begin at the same point, and shall extend throughout the whole territory; provided, that nothing herein shall be construed as fixing the western boundary of the State of Pennsylvania. The geographer shall designate the townships or fractional parts of townships by numbers, progressively, from south to north—always beginning each range with No. 1; and the ranges shall be distinguished by their progressive numbers to the westward. The first range, extending from the Ohio to the lake Erie, being marked No. 1. The geographer shall personally attend to the running of the first east and west line; and shall take the latitude of the extremes of the first north and south line, and of the mouths of the principal rivers.

The lines shall be measured with a chain; shall be plainly marked by chaps on the trees, and exactly described on a plat; whereon shall be noted by the surveyor, at their proper distances, all mines, salt springs, salt licks, and mill-seats that shall come to his knowledge; and all water-courses, mountains, and other remarkable and permanent things, over or near which such lines shall pass, and also the quality of the lands.

The plats of the townships, respectively, shall be marked, by subdivisions, into lots of one mile square, or six hundred and forty acres, in the same direction as the external lines, and numbered from one to thirty-six—always beginning the succeeding range of the lots with the number next to that with which the preceding one concluded. And where, from the causes before-mentioned, only a fractional part of a township shall be surveyed, the lots protracted thereon shall bear the same numbers as if the township had been entire. And the surveyors, in running the external lines of the townships, shall, at the interval of every mile, mark corners for the lots which are adjacent, always designating the same in a different manner from those of the townships.

The geographer and surveyor shall pay the utmost attention to the variation of the magnetic needle, and shall run and note all lines by the true meridian, certifying with every plat what was the variation at the times of running the lines thereon noted.

As soon as seven ranges of townships, and fractional parts of townships, in the direction from south to north, shall have been surveyed, the geographer shall transmit plats thereof to the board of treasury, who shall record the same, with the report, in well bound books to be kept for that purpose. And the geographer shall make similar returns, from time to time, of every seven ranges, as they may be surveyed. The secretary of war shall have recourse thereto, and shall take by lot therefrom a number of townships and fractional parts of townships, as well from those to be sold entire, as from those to be sold in lots, as will be equal to one-seventh part of the whole of such seven ranges, as nearly as may be, for the use of the late continental army; and he shall make a similar draught, from time to time, until a sufficient quantity is drawn to satisfy the same, to be applied in manner hereinafter directed. The board of treasury, shall, from time to time, cause the remaining numbers, as well those to be sold entire as those to be sold in lots, to be drawn for, in the name of the thirteen States, respectively, according to the quotas in the last preceding requisition on all the States; provided, that in

case more land than its proportion is allotted for sale in any State at any distribution, a deduction be made therefor at the next.

The board of treasury shall transmit a copy of the original plats, previously noting thereon the townships and fractional parts of townships, which shall have fallen to the several States, by the distribution aforesaid, to the commissioners of the loan office of the several States, who, after giving notice of not less than two, nor more than six months, by causing advertisements to be posted up at the court-houses or other noted places in every county, and to be inserted in one newspaper published in the States of their residence, respectively, shall proceed to sell the townships or fractional parts of townships, at public vendue, in the following manner, viz.: the township or fractional part of a township No. 1, in the first range, shall be sold entire; and No. 2, in the same range, by lots; and thus, in alternate order through the whole of the first range. The township or fractional part of a township No. 1, in the second range shall be sold by lots; and No. 2, in the same range, entire; and so, in alternate order, through the whole of the second range; and the third range shall be sold in the same manner as the first, and the fourth, in the same manner as the second; and thus, alternately, throughout all the ranges: provided, that none of the lands within the said territory be sold under the price of one dollar the acre, to be paid in specie or loan office certificates, reduced to specie value by the scale of depreciation, or certificates of liquidated debts of the United States, including interest, besides the expense of the survey and other charges thereon, which are hereby rated at thirty-six dollars the township, in specie or certificates as aforesaid, and so in the same proportion, for a fractional part of a township or of a lot, to be paid at the time of sales, on failure of which payment the said lands shall again be offered for sale.

There shall be reserved for the United States out of every township, the four lots, being numbered 8, 11, 26, 29, and out of every fractional part of a township, so many lots of the same numbers as shall be found thereon, for sale. There shall be reserved the lot No. 16, of every township, for the maintenance of public schools within the said township; also, one-third part of all gold, silver, lead, and copper mines, to be sold, or otherwise disposed of, as congress shall hereafter direct.

When any township or fractional part of a township, shall have been sold as aforesaid, and the money or certificates received therefor, the loan officer shall deliver a deed in the following terms:

The United States of America, to all to whom these presents shall come, greeting:

Know ye, that for the consideration of — dollars, we have granted, and hereby do grant and confirm, unto —, the township (or fractional part of the township, as the case may be) numbered —, in the range —, excepting therefrom, and reserving, one-third part of all gold, silver, lead, and copper mines, within the same; and the lots No. 8, 11, 26, and 29, for future sale or disposition, and the lot No. 16, for the maintenance of public schools. To have to the said —, his heirs and assigns, forever; (or, if more than one purchaser, to the said —, their heirs and assigns, forever, as tenants in common.) In witness whereof, A B, commissioner of the loan

office in the State of ———, hath, in conformity to the ordinance passed by the United States, in Congress assembled, the twentieth day of May, in the year of our Lord 1785, hereunto set his hand and affixed his seal this ——— day of ———, in the year of our Lord ———, and of the independence of the United States of America ———.

And when any township, or fractional part of a township, shall be sold by lots as aforesaid, the commissioner of the loan office shall deliver a deed therefor in the following form:

The United States of America, to all to whom these presents shall come, greeting:

Know ye, that for the consideration of ——— dollars, we have granted and hereby do grant and confirm, unto ———, the lot (or lots, as the case may be, in the township or fractional part of the township, as the case may be) numbered ———, in the range ———, excepting and reserving one-third part of all gold, silver, lead, and copper mines, within the same, for future sale or disposition. To have to the said ———, his heirs and assigns, forever; (or, if more than one purchaser, to the said ———, their heirs and assigns, forever, as tenants in common.) In witness whereof, A B, commissioner of the continental loan office in the State of ———, hath, in conformity to the ordinance passed by the United States in congress assembled, the twentieth day of May, in the year of our Lord 1785, hereunto set his hand and affixed his seal, this ——— day of ———, in the year of our Lord ———, and of the independence of the United States of America ———.

Which deeds shall be recorded in proper books, by the commissioner of the loan office, and shall be certified to have been recorded, previous to their being delivered to the purchaser, and shall be good and valid to convey the lands in the same described.

The commissioners of the loan offices, respectively, shall transmit to the board of treasury, every three months, an account of the townships, fractional parts of townships, and lots, committed to their charge; specifying therein the names of the persons to whom sold, and the sums of money or certificates received for the same; and shall cause all certificates by them received, to be struck through with a circular punch; and they shall be duly charged in the books of the treasury with the amount of the moneys or certificates, distinguishing the same, by them received as aforesaid.

If any township, or fractional part of a township or lot, remains unsold for eighteen months after the plat shall have been received by the commissioners of the loan office, the same shall be returned to the board of treasury, and shall be sold in such manner as congress may hereafter direct.

And whereas congress, by their resolutions of September 16th and 18th, in the year 1776, and the 12th of August, 1780, stipulated grants of land to certain officers and soldiers of the late continental army, and by the resolution of the 22d September, 1780, stipulated grants of land to certain officers in the hospital department of the late continental army; for complying, therefore, with such engagements, be it ordained, that the secretary of war, from the returns in his office, or such other sufficient evidence as the nature of the case may admit, determine who are the objects of the above resolutions and engagements, and the quantity of land to which such persons or their representatives are,

respectively, entitled, and cause the townships or fractional parts of townships, herein before reserved for the use of the continental army, to be drawn for in such manner as he shall deem expedient, to answer the purpose of an impartial distribution. He shall, from time to time, transmit certificates to the commissioners of the loan offices of the different States, to the lines of which the military claimants have respectively belonged, specifying the name and rank of the party, the terms of his engagement and time of his service, and the division, brigade, regiment, or company, to which he belonged, the quantity of land he is entitled to, and the township or fractional part of a township and range out of which his portion is to be taken.

The commissioners of the loan offices shall execute deeds for such undivided proportions, in manner and form herein beforementioned, varying only in such a degree as to make the same conformable to the certificate from the secretary of war.

Where any military claimants of bounty in lands shall not have belonged to the line of any particular State, similar certificates shall be sent to the board of treasury, who shall execute deeds to the parties for the same.

The secretary of war, from the proper returns, shall transmit to the board of treasury a certificate specifying the name and rank of the several claimants of the hospital department of the late continental army, together with the quantity of land each claimant is entitled to, and the township or fractional part of a township and range out of which his portion is to be taken; and thereupon the board of treasury shall proceed to execute deeds to such claimants.

The board of treasury, and the commissioners of the loan offices in the States, shall, within eighteen months, return receipts to the secretary of war for all deeds which have been delivered, as also all the original deeds which remain in their hands for want of applicants, having been first recorded,—which deeds, so returned, shall be preserved in the office until the parties or their representatives require the same.

And be it further ordained, that three townships adjacent to lake Erie be reserved, to be hereafter disposed of by congress, for the use of the officers, men, and others, refugees from Canada, and the refugees from Nova Scotia, who are or may be entitled to grants of land under resolutions of congress now existing, or which may hereafter be made respecting them, and for such other purposes as congress may hereafter direct.

And be it further ordained, that the towns of Gnadenhutten, Schoenbrun, and Salem, on the Muskingum, and so much of the lands adjoining to the said towns, with the buildings and improvements thereon, shall be reserved for the sole use of the christian Indians, who were formerly settled there, or the remains of that society, as may, in the judgment of the geographer, be sufficient for them to cultivate.

Saving and reserving always to all officers and soldiers entitled to lands on the northwest side of the Ohio, by donation or bounty from the Commonwealth of Virginia, and to all persons claiming under them, all rights to which they are so entitled under the deed of cession executed by the delegates for the State of Virginia, on the 1st day of March, 1784, and the act of congress accepting the same; and to the end that the said rights may be

fully and effectually secured, according to the true intent and meaning of the said deed of cession and act aforesaid, be it ordained that no part of the land included between the rivers called Little Miami and Scioto, on the northwest side of the river Ohio, be sold or in any manner alienated, until there shall first have been laid off and appropriated for the said officers and soldiers and persons claiming under them, the lands they are entitled to, agreeably to the said deed of cession and act of congress accepting the same.

Done by the United States in congress assembled, the 20th day of May, in the year of our Lord one thousand seven hundred and eighty-five, and of our sovereignty and independence the ninth.

CHARLES THOMSON, Sec'y.

RICHARD H. LEE, Pres't.

SUPPLEMENT.

A supplement to an ordinance entitled "an ordinance for ascertaining the mode of disposing of lands in the western territory."

Whereas, it is found to be inconvenient to execute that part of the land ordinance passed May 20, 1785, which directs that certain proportions of lands be allotted to the several States, to be sold by the loan officers in each State. And whereas, a sufficient quantity of lands, for satisfying the bounties due to the late army, was set apart by the act of congress passed the 22d of October last, whereby further drafts for satisfying military bounties in lands from the townships lately surveyed, are become unnecessary—

Be it ordained by the United States in congress assembled, that so much of the said ordinance passed May 20, 1785, as ordains that certain parts of the townships therein directed to be surveyed, shall be drawn for in the name of the thirteen States respectively, according to the quotas in the last preceding requisitions in all the States, in order that the same be sold by the said loan officers; and also that the secretary of war shall take by lot from the townships, when surveyed, certain proportions of land for the use of the late army, so far as the same may respect further drafts, be and the same are hereby repealed.

Be it further ordained, that the board of treasury be and they hereby are authorized and directed to sell those parts of the seven ranges of townships surveyed in the western territory, which are not already sold or drawn for the use of the late army, in the same manner, on the same conditions, and under the same restrictions and limitations as were prescribed in the resolutions of congress of April 21st, 1787, except as to the place of sale and the daily continuance thereof, which may be so far varied that the said board may commence the sales at New York or Philadelphia, and adjourn the same, from time to time, to any part or parts of the United States which they may judge most proper for the purpose.

Be it further ordained, that the secretary of war issue warrants for bounties of land to the several officers and soldiers of the late continental army who may be entitled to such bounties, or to their respective assigns or legal

representatives, certifying therein the rank or station of each officer, and the line, regiment, corps, and company in which the officer or soldier served.

Be it further ordained, that the geographer, by warrant under his hand and seal, appoint one surveyor to each of the two tracts or districts of land set apart for satisfying the said bounties by the act of congress of the 22d of October last; and that the persons entitled to lands by virtue of warrants issued as aforesaid, shall be at liberty to locate them on any part of the two tracts of land set apart as aforesaid; provided, that each location and survey shall be bounded on one side by one of the external boundaries of one of the tracts aforesaid, or by some prior survey therein; and the external lines of each survey shall run east and west, north and south, such parts thereof excepted as may border upon a river bounding the district, and the several surveys shall be in squares, unless where restrained by such river, or by the lines of former surveys; and provided, also, that in every location there shall be a combination of as many warrants as shall make the same at least six miles square, and no interstices shall be left between surveys less than six miles wide.

Be it further ordained, that each surveyor, upon making any survey, shall protract and lay the same down in a general map, to be kept and preserved, and shall make a record of each survey in a book to be kept for that purpose, and make out and deliver a copy of the survey, certified under his hand, to the proprietor or proprietors thereof, and the surveyor shall retain in his hands all warrants by him laid out and located, until he can transmit the same to the board of treasury, which he shall do within one year after laying out the land, certifying thereon, under his hand, that the same is satisfied. That the surveyors to be appointed as hereinbefore directed, shall be entitled to receive, for the services enjoined them by this ordinance, so much only as shall be allowed and fixed by the governor and judges of the western territory, and shall be liable to be displaced by the geographer for neglect of duty, or other misbehavior; in which case he shall supply any vacancy so happening by a new appointment. That each surveyor who may be appointed under this ordinance, before he enters upon the duties of his office, shall take an oath or affirmation that he will justly and truly execute the trust reposed in him as surveyor of a district of land in the western territory, according to the best of his skill and understanding, without favor or partiality; which oath or affirmation shall be taken before the governor or either of the judges of the western territory, or one of the justices of the supreme court in any of the United States, and being duly attested, shall be transmitted to the secretary of congress to be by him filed of record. That the maps and records beforementioned shall, at all times, be subject to the orders of congress, to be removed or deposited wherever they shall direct. That if any officer or soldier, or assignee or grantee of either, shall desire to have their bounty of land allotted in the townships or fractional parts thereof, lately drawn for the army by the secretary of war, out of the first four ranges of townships surveyed west of the Ohio, and shall cause such his desire, in writing, together with his land warrant, to be deposited in the office of the secretary of war, before the 1st of July, 1789; the said secretary shall cause so much of the said townships, which have been drawn for the army, to be

drawn for by lot as will satisfy the warrants so deposited, for which surveys shall be made out and delivered to the several proprietors, signed by the geographer of the United States, which surveys shall be recorded in a book by the geographer, and lodged in the treasury office. And whereas, lands are set apart for satisfying military bounties, not only in the said districts and townships, but also within the limits of purchases made by several companies—

Be it further ordained, That the persons who have purchased tracts of the federal lands, shall have credit for so much land as the warrants issued as aforesaid, and delivered by them to the board of treasury, cover; provided, that in no case deductions on account of military bounties shall exceed one-seventh part of the purchase.

Passed July 9, 1788.

APPENDIX C.

TREATY AT THE MOUTH OF THE GREAT MIAMI.

ARTICLES of a treaty concluded at the mouth of the Great Miami, on the north-western bank of the Ohio, the 31st day of January, one thousand seven hundred and eighty-six, between the commissioners plenipotentiary of the United States of America, of the one part, and the chiefs and warriors of the Shawanee nation, of the other part.

ART. 1. Three hostages shall be immediately delivered to the commissioners, to remain in the possession of the United States until all the prisoners, white and black, taken in the late war, from among the citizens of the United States, by the Shawanee nation, or by any other Indian or Indians residing in their towns, shall be restored.

ART. 2. The Shawanee nation do acknowledge the United States to be the sole and absolute sovereigns of all the territory ceded to them by a treaty of peace, made between them and the king of Great Britain, the fourteenth day of January, one thousand seven hundred and eighty-four.

ART. 3. If any Indian or Indians of the Shawanee nation, or any other Indian or Indians residing in their towns, shall commit murder or robbery on, or do any injury to, the citizens of the United States or any of them, that nation shall deliver such offender or offenders to the officer commanding the nearest post of the United States, to be punished according to the ordinances of congress; and in like manner, any citizen of the United States, who shall do an injury to any Indian of the Shawanee nation, or to any other Indian or Indians residing in their towns, and under their protection, shall be punished according to the laws of the United States.

ART. 4. The Shawanee nation having knowledge of the intention of any nation or body of Indians to make war on the citizens of the United States, or of their counseling together for that purpose, and neglecting to give infor-

mation thereof to the commanding officer of the nearest post of the United States, shall be considered as parties in such war, and be punished accordingly: and the United States shall, in like manner inform the Shawanees of any injury designed against them.

ART. 5. The United States do grant peace to the Shawanee nation, and do receive them into their friendship and protection.

ART. 6. The United States do allot to the Shawanee nation, lands within their territory to live and hunt upon, beginning at the south line of the lands allotted to the Wyandot and Delaware nations, at the place where the main branch of the Great Miami, which falls into the Ohio, intersects said line; then down the river Miami, to the fork of that river, next below the old fort which was taken by the French in one thousand seven hundred and fifty-two; thence due west to the river de la Panse; then down that river to the river Wabash; beyond which lines none of the citizens of the United States shall settle, nor disturb the Shawanees in their settlement and possessions. And the Shawanees do relinquish to the United States, all title, or pretense of title, they ever had to the lands east, west, and south of the east, west, and south lines before described.

ART. 7. If any citizen or citizens of the United States, shall presume to settle upon the lands allotted to the Shawanees by this treaty, he or they shall be put out of the protection of the United States.

In testimony whereof, the parties hereunto have affixed their hands and seals, the day and year first above mentioned.

WITNESSES:

W. Finney, Maj. B. B.
Thos. Doyle, Capt. B. B.
Nathan McDowell, Ensign,
John Saffenger,
Henry Govey,
Kagy Galloway, his x mark,
John Boggs,
Sam. Montgomery,
Daniel Elliott,
James Rinker,

Nathl. Smith,
Tetebockshicka, his x mark,

Isaac Zane, (Wyandot) his x mark,

The Half King of the Wyandots, } their x marks,
The Crane of the Wyandots, } x

Capt. Pipe, of the Delawares, his x mark,

Capt. Bohongehelas, his x mark,

Joseph Suffrein, his x mark, or Kemepemo Shawno,

The Big Cat of the Delawares, his x mark,

Pierre Droullar.

G. Clark,
Richard Butler,
Saml. H. Parsons,
Aweecony, his x mark,
Kakawipilathy, his x mark,
Malunthy, his x mark,
Musquauconocah, his x mark,
Meanymsceah, his x mark,
Waupaucowela, his x mark,
Nihipeewa, his x mark,
Nihinessicoe, his x mark,
Attest. Alexander Campbell, Sec'y Com'rs.

APPENDIX D.

ORDINANCE OF JULY 13, 1787.

AN ordinance for the government of the territory of the United States northwest of the river Ohio.

Be it ordained by the United States in congress assembled, that the said territory, for the purposes of temporary government, be one district—subject, however, to be divided into two districts, as future circumstances may, in the opinion of congress, make it expedient.

Be it ordained by the authority aforesaid, that the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to and be distributed among their children, and the descendants of a deceased child in equal parts—the descendants of a deceased child or grand-child to take the share of their deceased parent in equal parts among them; and where there shall be no child or descendants, then in equal parts to the next of kin in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parents' share; and there shall, in no case, be a distinction between kindred of the whole and half-blood—saving, in all cases, to the widow of the intestate her third part of the real estate for life, and one-third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be, (being of full age,) and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses—provided, such wills be duly proved, and such conveyances be acknowledged or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery—saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskia, St. Vincents, and the neighboring villages who have heretofore professed themselves citizens of Virginia, their laws and customs, now in force among them, relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, that there shall be appointed, from time to time by congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by congress: he shall reside in the district and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed, from time to time by congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked: he shall reside in the district and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office. It shall be his duty

to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of congress. There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate, in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to congress, from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by congress; but afterward the legislature shall have authority to alter them as they shall think fit.

The governor, for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same below the rank of general officers; all general officers shall be appointed and commissioned by congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed, from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly: provided, that, for every five hundred free male inhabitants, there shall be one representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature: provided, that no person be eligible or qualified to act as a representative unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and, in either case, shall likewise hold in his own right, in fee simple, two hundred acres of land within the same: provided, also, that a freehold in fifty acres of land in the

district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years residence in the district, shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected shall serve for the term of two years; and, in case of the death of a representative or removal from office, the governor shall issue a writ to the county or township for which he was a member to elect another in his stead, to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by congress—any three of whom to be a quorum; and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to congress—five of whom congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to congress, one of whom congress shall appoint and commission for the residue of the term. And every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to congress—five of whom congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as congress shall appoint in the district, shall take an oath or affirmation of fidelity and of office—the governor before the president of congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled in one room, shall have authority, by joint ballot, to elect a delegate to congress, who shall have a seat in congress, with a right of debating but not of voting during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws, and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which for ever hereafter shall be formed in the said territory; to provide also for the establishment of States and permanent government therein, and for their admission to a share in the federal councils

on an equal footing with the original States, at as early a period as may be consistent with the general interest—

It is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact between the original States and the people and States in the said territory, and for ever remain unalterable, unless by common consent, to wit:

ART. 1. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments in the said territory.

ART. 2. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offenses, where the proof shall be evident or the presumption great. All fines shall be moderate, and no cruel or unusual punishment shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared that no law ought ever to be made or have force in the said territory that shall, in any manner whatever, interfere with or affect private contracts or engagements, bona fide and without fraud, previously formed.

ART. 3. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall for ever be encouraged. The utmost good faith shall always be observed toward the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by congress; but laws founded in justice and humanity shall, from time to time, be made for preventing wrongs being done to them, and for preserving peace and friendship with them.

ART. 4. The said territory, and the States which may be formed therein, shall for ever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in congress assembled conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new States, as in the original States, within the time agreed upon by the United States in congress assembled. The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in congress assembled, nor with any

regulations congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and for ever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ART. 5. There shall be formed in the said territory not less than three, nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: the western State in the said territory shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the lake of the Woods and Mississippi. The middle States shall be bounded by the said direct line, the Wabash, from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: provided, however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that, if congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the congress of the United States on an equal footing with the original States in all respects whatever; and shall be at liberty to form a permanent constitution and State government: provided, the constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

ART. 6. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: provided, always, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, that the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be and the same are hereby repealed and declared null and void. Done, etc.

APPENDIX E.

TREATIES AT FORT HARMAR.

WITH THE SIX NATIONS.

ARTICLES of a treaty made at Fort Harmar, the ninth day of January, in the year of our Lord one thousand seven hundred and eighty-nine, between Arthur St. Clair, esquire, governor of the territory of the United States of America, northwest of the river Ohio, and commissioner plenipotentiary of the said United States, for removing all causes of controversy, regulating trade, and settling boundaries, between the Indian nations in the northern department and the said United States, of the one part, and the sachems and warriors of the Six Nations, of the other part, viz:

ART. 1. Whereas the United States, in congress assembled, did, by their commissioners, Oliver Wolcott, Richard Butler and Arthur Lee, esquires, duly appointed for that purpose, at a treaty held with the said Six Nations, viz: with the Mohawks, Oneidas, Onondagas, Tuscaroras, Cayugas, and Senekas, at Fort Stanwix, on the twenty-second day of October, one thousand seven hundred and eighty-four, give peace to the said nations, and receive them into their friendship and protection: And whereas the said nations have now agreed to and with the said Arthur St. Clair, to renew and confirm all the engagements and stipulations entered into at the beforementioned treaty at Fort Stanwix: and whereas, it was then and there agreed, between the United States of America and the said Six Nations, that a boundary line should be fixed between the lands of the said Six Nations and the territory of the said United States, which boundary line is as follows, viz: Beginning at the mouth of a creek, about four miles east of Niagara, called Ononwayea, or Johnston's Landing Place, upon the lake named by the Indians Oswego, and by us Ontario; from thence southerly, in a direction always four miles east of the carrying place, between lake Erie and lake Ontario, to the mouth of Tehosceroron, or Buffalo creek, upon lake Erie; thence south to the northern boundary of the State of Pennsylvania; thence west, to the end of the said north boundary; thence south, along the west boundary of the said State to the river Ohio. The said line, from the mouth of Ononwayea to the Ohio, shall be the western boundary of the lands of the Six Nations, so that the Six Nations shall and do yield to the United States, all claim to the country west of the said boundary; and then they shall be secured in the possession of the lands they inhabit east, north, and south of the same, reserving only six miles square, round the fort of Oswego, for the support of the same. The said Six Nations, except the Mohawks, none of whom have attended at this time, for and in consideration of the peace then granted to them, the presents they then received, as well as in consideration of a quantity of goods, to the value of three thousand dollars, now delivered to them by the said Arthur St. Clair, the receipt whereof they do hereby acknowledge, do hereby

renew and confirm the said boundary line in the words beforementioned, to the end that it may be and remain as a division line between the lands of the said Six Nations and the territory of the United States, for ever. And the undersigned Indians, as well in their own names as in the name of their respective tribes and nations, their heirs and descendants, for the considerations beforementioned, do release, quit claim, relinquish, and cede, to the United States of America, all the lands west of the said boundary or division line, and between the said line and the strait, from the mouth of Ononwayea and Buffalo creek, for them, the said United States of America, to have and to hold the same in true and absolute propriety, for ever.

ART. 2. The United States of America confirm to the Six Nations, all the lands which they inhabit, lying east and north of the beforementioned boundary line, and relinquish and quit claim to the same and every part thereof, excepting only six miles square round the fort of Oswego, which six miles square round said fort is again reserved to the United States by these presents.

ART. 3. The Oneida and Tuscarora nations are also again secured and confirmed in the possession of their respective lands.

ART. 4. The United States of America renew and confirm the peace and friendship entered into with the Six Nations, (except the Mohawks,) at the treaty beforementioned, held at Fort Stanwix, declaring the same to be perpetual. And if the Mohawks shall, within six months, declare their assent to the same, they shall be considered as included.

Done at Fort Harmar, on the Muskingum, the day and year first above written.

In witness whereof, the parties have hereunto, interchangeably, set their hands and seals.

Ar. St. Clair,
 Cageaga, or Dogs round the Fire,
 Sawedowa, or The Blast,
 Kiondushowa, or Swimming Fish,
 Oncahye, or Dancing Feather,
 Sohaeas, or Falling Mountain,
 Otachsaka, or Broken Tomahawk, his x mark,
 Tekahias, or Long Tree, his x mark,
 Onechsetee, or Loaded Man, his x mark,
 Kiahtulaho, or Snake,
 Aqueia, or Bandy Legs,
 Kiandogewa, or Big Tree, his x mark,
 Owenewa, or Thrown in the Water, his x mark,
 Gyantwaia, or Cornplanter, his x mark,
 Gyasota, or Big Cross, his x mark,
 Kanassee, or New Arrow,
 Achiout, or Half Town,
 Anachout, or The Wasp, his x mark,
 Chishekoa, or Wood Bug, his x mark,
 Sessewa, or Big Bail of a Kettle,
 Sciahowa, or Council Keeper,

Twanias, or Broken Twig,
 Sonachshowa, or Full Moon,
 Cachunwasse, or Twenty Canoes,
 Hickonquash, or Tearing Asunder.

IN PRESENCE OF

Jos. Harmar, lieut. col. comdg. 1st U. S. Regiment, and brig. gen. by brevet.
 Richard Butler,
 Jno. Gibson,
 Will. M'Curdy, captain,
 Ed. Denny, ensign, 1st U. S. Regiment,
 A. Hartshorn, ensign,
 Robt. Thompson, ensign, 1st U. S. Regiment,
 Fran. Leile, ensign,
 Joseph Nicholas.

SEPARATE ARTICLE OF THE NEXT PRECEDING TREATY.

Should a robbery or murder be committed by an Indian or Indians of the Six Nations, upon the citizens or subjects of the United States, or by the citizens and subjects of the United States, or any of them, upon any of the Indians of the said nations, the parties accused of the same shall be tried, and, if found guilty, be punished according to the laws of the State or of the territory of the United States, as the case may be, where the same was committed. And should any horses be stolen, either by the Indians of the said nations, from the citizens or subjects of the United States, or any of them, or by any of the said citizens or subjects from any of the said Indians, they may be reclaimed into whose possession soever they may have come; and, upon due proof, shall be restored, any sale in open market notwithstanding; and the persons convicted shall be punished with the utmost severity the laws will admit. And the said nations engage to deliver the persons that may be accused, of their nations, of either of the beforementioned crimes, at the nearest post of the United States, if the crime was committed within the territory of the United States; or to the civil authority of the State, if it shall have happened within any of the United States.

AR. ST. CLAIR.

WITH THE WYANDOTS, ETC.

ARTICLES of a treaty made at Fort Harmar, between Arthur St. Clair, governor of the territory of the United States northwest of the river Ohio, and commissioner plenipotentiary of the United States of America, for removing all causes of controversy, regulating trade, and settling boundaries with the Indian nations in the northern department of the one part, and the sachems and warriors of the Wyandot, Delaware, Ottawa, Chippewa, Pottawattamie, and Sac nations on the other part.

ART. 1. Whereas, the United States in congress assembled, did, by their commissioners, George Rogers Clark, Richard Butler, and Arthur Lee, esqrs.,

duly appointed for that purpose, at a treaty holden with the Wyandot, Delaware, Ottawa, and Chippewa nations, at Fort McIntosh, on the twenty-first day of January, in the year of our Lord one thousand seven hundred and eighty-five, conclude a peace with the Wyandots, Delawares, Ottawas, and Chippewas, and take them into their friendship and protection: and whereas, at the said treaty it was stipulated that all prisoners that had been made by those nations, or either of them, should be delivered up to the United States: and whereas, the said nations have now agreed to, and with the aforesaid Arthur St. Clair, to renew and confirm all the engagements they had made with the United States of America at the beforementioned treaty, except so far as are altered by these presents. And there are now in the possession of some individuals of these nations, certain prisoners who have been taken by others not in peace with the said United States, or in violation of the treaties subsisting between the United States and them, the said nations agree to deliver up all the prisoners now in their hands (by what means soever they may have come into their possession) to the said Gov. St. Clair, at Fort Harmar; or, in his absence, to the officer commanding there, as soon as conveniently may be; and for the true performance of this agreement, they do now agree to deliver into his hands two persons of the Wyandot nation, to be retained in the hands of the United States as hostages, until the said prisoners are restored—after which they shall be sent back to their nation.

ART. 2. And whereas, at the beforementioned treaty it was agreed between the United States and said nations, that a boundary line should be fixed between the lands of those nations and the territory of the United States, which boundary is as follows, viz: Beginning at the mouth of Cayahoga river, and running thence up the said river to the portage between that and the Tuscarawa branch of the Muskingum, then down the said branch to the forks at the crossing-place above Fort Lawrence, thence westerly to the portage on that branch of the Big Miami river which runs into the Ohio, at the mouth of which branch the fort stood which was taken by the French in the year of our Lord one thousand seven hundred and fifty-two, then along the said portage to the Great Miami or Ome river, and down the southeast side of the same to its mouth; thence along the southern shore of lake Erie to the mouth of Cayahoga where it began. And the said Wyandot, Delaware, Ottawa, and Chippewa nations, for and in consideration of the peace then granted to them by the said United States, and the presents they then received, as well as of a quantity of goods to the value of six thousand dollars, now delivered to them by the said Arthur St. Clair, the receipt whereof they do hereby acknowledge, do, by these presents, renew and confirm the said boundary line, to the end that the same may remain as a division-line between the lands of the United States of America and the lands of said nations for ever. And the undersigned Indians do hereby, in their own names, and the names of their respective nations and tribes, their heirs and descendants, for the consideration above-mentioned, release, quit claim, relinquish, and cede to the said United States, all the land east, south, and west of the lines above-described, so far as the said Indians formerly claimed the same, for them the said United States to have and to hold the same, in true and absolute propriety, for ever.

ART. 3. The United States of America do, by these presents, relinquish and quit claim to the said nations, respectively, all the lands lying between the limits above-described, for them, the said Indians, to live and hunt upon, and otherwise to occupy as they shall see fit; but the said nations, or either of them, shall not be at liberty to sell or dispose of the same, or any part thereof, to any sovereign power, except the United States; nor to the subjects or citizens of any other sovereign power, nor to the subjects or citizens of the United States.

ART. 4. It is agreed between the said United States and the said nations, that the individuals of the said nations shall be at liberty to hunt within the territory ceded to the United States, without hindrance or molestation, so long as they demean themselves peaceably, and offer no injury or annoyance to any of the subjects or citizens of the said United States.

ART. 5. It is agreed that if any Indian or Indians of the nations before-mentioned shall commit a murder or robbery on any of the citizens of the United States, the nation or tribe to which the offender belongs, on complaint being made, shall deliver up the person or persons complained of, at the nearest post of the United States, to the end that he or they may be tried, and, if found guilty, punished according to the laws established in the territory of the United States northwest of the river Ohio for the punishment of such offenses, if the same shall be committed within the said territory: or according to the laws of the State where the offense may have been committed, if the same has happened in any of the United States. In like manner, if any subject or citizen of the United States shall commit murder or robbery on any Indian or Indians of the said nations, upon complaint being made thereof, he or they shall be arrested, tried, and punished agreeable to the laws of the State or of the territory wherein the offense was committed, that nothing may interrupt the peace and harmony now established between the United States and said nations.

ART. 6. And whereas, the practice of stealing horses has prevailed very much, to the great disquiet of the citizens of the United States, and, if persisted in, can not fail to involve both the United States of America and the Indians in endless animosity, it is agreed that it shall be put an entire stop to on both sides; nevertheless, should some individuals, in defiance of this agreement and of the laws provided against such offenses, continue to make depredations of that nature, the person convicted thereof shall be punished with the utmost severity the laws of the respective States or territory of the United States northwest of the Ohio where the offense may have been committed will admit of; and all horses so stolen, either by the Indians from the citizens or subjects of the United States, or by the citizens or subjects of the United States from any of the Indian nations, may be reclaimed, into whose possession soever they may have passed, and, upon due proof, shall be restored—any sales in market overt, notwithstanding. And the civil magistrates in the United States, respectively, and in the territory of the United States northwest of the Ohio, shall give all necessary aid and protection to Indians claiming such stolen horses.

ART. 7. Trade shall be opened with the said nations, and they do hereby respectively engage to afford protection to the persons and property of such

as may be duly licensed to reside among them for the purposes of trade, and to their agents, factors, and servants; but no person shall be permitted to reside at their towns, or at their hunting camps, as a trader, who is not furnished with a license for that purpose, under the hand and seal of the governor of the territory of the United States northwest of the Ohio, for the time being, or under the hand and seal of one of his deputies for the management of Indian affairs; to the end that they may not be imposed upon in their traffic. And if any person or persons shall intrude themselves without such license, they promise to apprehend him or them, and to bring them to the said governor, or one of his deputies, for the purpose beforementioned, to be dealt with according to law; and that they may be defended against persons who might attempt to forge such licenses, they further engage to give information to the said governor, or one of his deputies, of the names of all traders residing among them, from time to time, and at least once in every year.

ART. 8. Should any nation of Indians meditate a war against the United States, or either of them, and the same shall come to the knowledge of the beforementioned nations, or either of them, they do hereby engage to give immediate notice thereof to the governor, or, in his absence, to the officer commanding the troops of the United States at the nearest post. And should any nation, with hostile intentions against the United States, or either of them, attempt to pass through their country, they will endeavor to prevent the same, and in like manner give information of such attempt to the said governor or commanding officer, as soon as possible, that all causes of mistrust and suspicion may be avoided between them and the United States: in like manner, the United States shall give notice to the said Indian nations, of any harm that may be meditated against them, or either of them, that shall come to their knowledge; and do all in their power to hinder and prevent the same, that the friendship between them may be uninterrupted.

ART. 9. If any person or persons, citizens or subjects of the United States, or any other person not being an Indian, shall presume to settle upon the lands confirmed to the said nations, he and they shall be out of the protection of the United States; and the said nations may punish him or them in such manner as they see fit.

ART. 10. The United States renew the reservations heretofore made in the beforementioned treaty at Fort M'Intosh, for the establishment of trading posts, in manner and form following; that is to say: six miles square at the mouth of Miami or Omie rivers; six miles square at the portage upon that branch of the Miami which runs into the Ohio; six miles square upon the lake Sandusky, where the fort formerly stood; and two miles square upon each side of the Lower Rapids, or Sandusky river; which posts, and the lands annexed to them, shall be for the use and under the government of the United States.

ART. 11. The post at Detroit, with a district of land beginning at the mouth of the river Rosine, at the west end of lake Erie, and running up the southern bank of said river six miles; thence northerly, and always six miles west of the strait, until it strikes the lake St. Clair, shall be reserved for the use of the United States.

ART. 12. In like manner, the post at Michilimacinac, with its depen-

dencies, and twelve miles square about the same, shall be reserved to the sole use of the United States.

ART. 13. The United States of America do hereby renew and confirm the peace and friendship entered into with the said nations, at the treaty before mentioned, held at Fort M'Intosh; and the said nations again acknowledge themselves, and all their tribes, to be under the protection of the said United States, and no other power whatever.

ART. 14. The United States of America do also receive into their friendship and protection, the nations of Pottawattimies and Sacs; and do hereby establish a league of peace and amity between them respectively; and all the articles of this treaty, so far as they apply to these nations, are to be considered as made and concluded in all, and every part, expressly with them and each of them.

ART. 15. And whereas, in describing the boundary before mentioned, the words, if strictly constructed, would carry it from the portage on that branch of the Miami which runs into the Ohio, over to the river Auglaize; which was neither the intention of the Indians, nor of the commissioners; it is hereby declared, that the line shall run from the said portage directly to the first fork of the Miami river, which is to the southward and eastward of the Miami village, thence down the main branch of the Miami river to the said village, and thence down that river to lake Erie, and along the margin of the lake to the place of beginning.

Done at Fort Harmar, on the Muskingum, this ninth of January, in the year of our Lord one thousand seven hundred and eighty-nine.

In witness whereof, the parties have hereunto interchangeably set their hands and seals.

Ar. St. Clair,

[L. s.]

Peoutewatamie, his x mark,
Konatikina, his x mark.

Sacs.

Tepakee, his x mark,
Kesheyiva, his x mark.

Chippewas.

Mesass, his x mark,
Paushquash, his x mark,
Pawasicko, his x mark.

Ottawas.

Wewiskia, his x mark,
Neagey, his x mark.

Pottawattimies.

Windigo, his x mark,
Wapaskea, his x mark,
Neque, his x mark.

Delawares.

Capt. Pipe, his x mark,
Wingenond, his x mark,
Pekelan, his x mark,
Teataway, his x mark.

Chippewas.

Nanamakeak, his x mark,
Wetenasa, his x mark,
Soskene, his x mark,
Pewanakum, his x mark.

Wyandots.

Teyandatontec, his x mark,
Cheyawee, his x mark,
Doueyentec, his x mark,
Tarhe, his x mark,
Terhataw, his x mark,
Datasay, his x mark,
Maudoronk, his x mark,
Skahomat, his x mark.

IN PRESENCE OF

Jos. Harmar, lieut.-col. com't, first U. S. reg't. and brig.-gen. by brevet,	
Richard Butler,	
Jno. Gibson,	
Will. M'Curdy, capt.	
E. Denny, ensign first U. S. reg't.	J. Williams, jun.
A. Hartshorn, ensign,	William Wilson,
Robt. Thompson, ensign first U. S. reg't.	Joseph Nicholes,
Frans. Luse, ensign,	James Rinken.

Be it remembered that the Wyandots have laid claim to the lands that were granted to the Shawanees at the treaty held at the Miami, and have declared that, as the Shawanees have been so restless and caused so much trouble, both to them and the United States, if they will not now be at peace, they will dispossess them and take the country into their own hands; for that the country is theirs of right, and the Shawanees are only living upon it by their permission. They further lay claim to all the country west of the Miami boundary, from the village to the lake Erie, and declare that it is now under their management and direction.

SEPARATE ARTICLE.

Whereas, the Wyandots have represented that, within the reservation from the river Rosine along the strait, they have two villages from which they can not with any convenience remove, it is agreed that they shall remain in possession of the same, and shall not be in any manner disturbed therein.

APPENDIX F.

TREATY OF GREENVILLE.

A TREATY of peace between the United States of America and the tribes of Indians called the Wyandots, Delawares, Shawanees, Ottawas, Chippewas, Pottawattamies, Miamis, Eel Rivers, Weas, Kickapoos, Piankeshaws, and Kaskaskias.

To put an end to a destructive war, to settle all controversies, and to restore harmony and friendly intercourse between the said United States and Indian tribes, Anthony Wayne, major-general, commanding the army of the United States, and sole commissioner for the good purposes abovementioned, and the said tribes of Indians, by their sachems, chiefs, and warriors, met together at Greenville, the head-quarters of the said army, have agreed on the following articles, which, when ratified by the president, with the advice and consent of the senate of the United States, shall be binding on them and the said Indian tribes:

ART. 1. Henceforth all hostilities shall cease; peace is hereby established, and shall be perpetual; and a friendly intercourse shall take place between the said United States and Indian tribes.

ART. 2. All prisoners shall, on both sides, be restored. The Indians, prisoners to the United States, shall be immediately set at liberty. The people of the United States, still remaining prisoners among the Indians, shall be delivered up in ninety days from the date hereof to the general or commanding officer at Greenville, Fort Wayne, or Fort Defiance, and ten chiefs of the said tribes shall remain at Greenville as hostages until the delivery of the prisoners shall be effected.

ART. 3. The general boundary line between the lands of the United States and the lands of the said Indian tribes, shall begin at the mouth of Cuyahoga river, and run thence up the same to the portage between that and the Tuscarawas branch of the Muskingum, thence down that branch to the crossing-place above Fort Lawrence, thence westerly to a fork of that branch of the Great Miami river running into the Ohio, at or near which fork stood Loramie's store, and where commences the portage between the Miami of the Ohio and St. Mary's river, which is a branch of the Miami which runs into lake Erie, thence a westerly course to Fort Recovery, which stands on a branch of the Wabash, thence southwesterly in a direct line to the Ohio, so as to intersect that river opposite the mouth of Kentucky or Cuttawa river. And in consideration of the peace now established, of the goods formerly received from the United States, of those now to be delivered, and of the yearly delivery of goods now stipulated to be made hereafter, and to indemnify the United States for the injuries and expenses they have sustained during the war, the said Indian tribes do hereby cede and relinquish for ever all their claims to the lands lying eastwardly and southwardly of the general boundary line now described; and these lands, or any part of them, shall never hereafter be made a cause or pretense, on the part of the said tribes, or any of them, of war or injury to the United States, or any of the people thereof.

And for the same considerations, and as an evidence of the returning friendship of the said Indian tribes, of their confidence in the United States, and desire to provide for their accommodation, and for that convenient intercourse which will be beneficial to both parties, the said Indian tribes do also cede to the United States the following pieces of land, to wit: 1. One piece of land six miles square, at or near Loramie's store, beforementioned; 2. One piece two miles square, at the head of the navigable water or landing, on the St. Mary's river, near Girty's town; 3. One piece six miles square, at the head of the navigable water of the Auglaize river; 4. One piece six miles square, at the confluence of the Auglaize and Miami rivers, where Fort Defiance now stands; 5. One piece six miles square, at or near the confluence of the rivers St. Mary's and St. Joseph's, where Fort Wayne now stands, or near it; 6. One piece two miles square, on the Wabash river, at the end of the portage from the Miami of the lake, and about eight miles westward from Fort Wayne; 7. One piece six miles square, at the Ouatanon or old Wea towns, on the Wabash river; 8. One piece twelve miles square, at the British fort on the Miami of the lake, at the foot of the rapids; 9. One piece six miles square, at the mouth of the said river, where it empties into the lake;

10. One piece six miles square, upon Sandusky lake, where a fort formerly stood; 11. One piece two miles square, at the lower rapids of Sandusky river; 12. The post of Detroit, and all the land to the north, the west, and the south of it, of which the Indian title has been extinguished by gifts or grants to the French or English governments, and so much more land to be annexed to the district of Detroit as shall be comprehended between the river Rosine, on the south, lake St. Clair on the north, and a line the general course whereof shall be six miles distant from the west end of lake Erie and Detroit river; 13. The post of Michilimacinae, and all the land on the island on which that post stands, and the main land adjacent, of which the Indian title has been extinguished by gifts or grants to the French or English governments, and a piece of land on the main to the north of the island, to measure six miles, on lake Huron, or the straits between lakes Huron and Michigan, and to extend three miles back from the water of the lake or strait, and also the island De Bois Blanc, being an extra and voluntary gift of the Chippewa nation; 14. One piece of land six miles square, at the mouth of Chicago river, emptying into the southwest end of lake Michigan, where a fort formerly stood; 15. One piece twelve miles square, at or near the mouth of the Illinois river, emptying into the Mississippi; 16. One piece six miles square, at the old Piorias fort and village, near the south end of the Illinois lake, on said Illinois river. And whenever the United States shall think proper to survey and mark the boundaries of the lands hereby ceded to them, they shall give timely notice thereof to the said tribes of Indians, that they may appoint some of their wise chiefs to attend and see that the lines are run according to the terms of this treaty.

And the said Indian tribes will allow to the people of the United States a free passage by land and by water, as one and the other shall be found convenient, through their country, along the chain of posts hereinbefore mentioned—that is to say, from the commencement of the portage aforesaid, at or near Loramie's store, thence along said portage to the Saint Mary's, and down the same to Fort Wayne, and then down the Miami to lake Erie; again, from the commencement of the portage at or near Loramie's store along the portage from thence to the river Auglaize, and down the same to its junction with the Miami at Fort Defiance; again, from the commencement of the portage aforesaid to Sandusky river, and down the same to Sandusky bay and lake Erie, and from Sandusky to the post which shall be taken at or near the foot of the rapids of the Miami of the lake; and from thence to Detroit. Again, from the mouth of Chicago to the commencement of the portage, between that river and the Illinois, and down the Illinois river to the Mississippi; also, from Fort Wayne, along the portage aforesaid, which leads to the Wabash, and then down the Wabash to the Ohio. And the said Indian tribes will also allow to the people of the United States the free use of the harbors and mouths of rivers, along the lakes adjoining the Indian lands, for sheltering vessels and boats and liberty to land their cargoes where necessary for their safety.

ART. 4. In consideration of the peace now established, and of the cessions and relinquishments of lands made in the preceding article by the said tribes of Indians, and to manifest the liberality of the United States as the great

means of rendering this peace strong and perpetual, the United States relinquish their claims to all other Indian lands northward of the river Ohio, eastward of the Mississippi, and westward and southward of the great lakes and the waters uniting them, according to the boundary line agreed on by the United States and the king of Great Britain, in the treaty of peace made between them in the year 1783. But from this relinquishment by the United States, the following tracts of land are explicitly excepted:

1st. The tract of one hundred and fifty thousand acres near the rapids of the river Ohio, which has been assigned to General Clark for the use of himself and his warriors; 2d. The post of St. Vincennes, on the river Wabash, and the lands adjacent, of which the Indian title has been extinguished; 3d. The lands at all other places in possession of the French people and other white settlers among them, of which the Indian title has been extinguished, as mentioned in the third article; and 4th. The post of Fort Massac toward the mouth of the Ohio. To which several parcels of land so excepted, the said tribes relinquish all the title and claim which they or any of them may have.

And for the same considerations and with the same views as abovementioned, the United States now deliver to the said Indian tribes a quantity of goods to the value of twenty thousand dollars, the receipt whereof they do hereby acknowledge, and henceforward, every year, for ever, the United States will deliver, at some convenient place northward of the river Ohio, like useful goods, suited to the circumstances of the Indians, of the value of nine thousand five hundred dollars—reckoning that value at the first cost of the goods in the city or place in the United States where they shall be procured. The tribes to which those goods are to be annually delivered, and the proportions in which they are to be delivered, are the following:

1st. To the Wyandots, the amount of one thousand dollars; 2d. To the Delawares, the amount of one thousand dollars; 3d. To the Shawanees, the amount of one thousand dollars; 4th. To the Miamis, the amount of one thousand dollars; 5th. To the Ottawas, the amount of one thousand dollars; 6th. To the Chippewas, the amount of one thousand dollars; 7th. To the Potawatamies, the amount of one thousand dollars; 8th. And to the Kickapoo, Wea, Eel river, Piankeshaws, and Kaskaskia tribes, the amount of five hundred dollars each. Provided, that if either of the said tribes shall hereafter, at an annual delivery of their share of the goods aforesaid, desire that a part of their annuity should be furnished in domestic animals, implements of husbandry, and other utensils convenient for them, and in compensation to useful artificers who may reside with or near them, and be employed for their benefit, the same shall, at the subsequent annual deliveries, be furnished accordingly.

ART. 5. To prevent any misunderstanding about the Indian lands relinquished by the United States in the 4th article, it is now explicitly declared that the meaning of that relinquishment is this: the Indian tribes who have a right to those lands, are quietly to enjoy them—hunting, planting, and dwelling thereon, so long as they please, without any molestation from the United States; but when those tribes, or any of them, shall be disposed to sell their lands, or any part of them, they are to be sold only to the United

States; and until such sale, the United States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the United States, and against all other white persons who intrude upon the same: and the said Indian tribes again acknowledge themselves to be under the protection of the said United States, and no other power whatever.

ART. 6. If any citizen of the United States, or any other white person or persons, shall presume to settle upon the lands now relinquished by the United States, such citizen or other person shall be out of the protection of the United States; and the Indian tribes, on whose land the settlement shall be made, may drive off the settler, or punish him in such manner as they shall think fit; and because such settlements, made without the consent of the United States, will be injurious to them as well as to the Indians, the United States shall be at liberty to break them up, and remove and punish the settlers as they shall think proper, and so effect that protection of the Indian lands hereinbefore stipulated.

ART. 7. The said tribes of Indians, parties to this treaty, shall be at liberty to hunt within the territory and lands which they have now ceded to the United States, without hindrance or molestation, so long as they demean themselves peaceably, and offer no injury to the people of the United States.

ART. 8. Trade shall be opened with the said Indian tribes; and they do hereby respectively engage to afford protection to such persons, with their property, as shall be duly licensed to reside among them for the purpose of trade, and to their agents and servants; but no person shall be permitted to reside at any of their towns or hunting-camps, as a trader, who is not furnished with a license for that purpose, under the hand and seal of the superintendent of the department northwest of the Ohio, or such other person as the president of the United States shall authorize to grant such license—to the end that the said Indians may not be imposed on in their trade. And if any licensed trader shall abuse his privilege by unfair dealing, upon complaint and proof thereof, his license shall be taken from him, and he shall be further punished according to the laws of the United States. And if any person shall intrude himself as a trader, without such license, the said Indians shall take and bring him before the superintendent, or his deputy, to be dealt with according to law. And to prevent impositions by forged licenses, the said Indians shall, at least once a year, give information to the superintendent, or his deputies, of the names of the traders residing among them.

ART. 9. Lest the firm peace and friendship now established should be interrupted by the misconduct of individuals, the United States and the said Indian tribes agree that, for injuries done by individuals on either side, no private revenge or retaliation shall take place; but, instead thereof, complaint shall be made by the party injured to the other—by the said Indian tribes, or any of them, to the president of the United States, or the superintendent by him appointed; and by the superintendent or other person appointed by the president, to the principal chiefs of the said Indian tribes, or of the tribe to which the offender belongs; and such prudent measures shall then be pursued as shall be necessary to preserve the said peace and friendship unbroken, until the legislature (or great council) of the United States shall make other equitable provisions in the case, to the satisfaction of both parties.

Should any Indian tribes meditate a war against the United States, or either of them, and the same shall come to the knowledge of the beforementioned tribes, or either of them, they do hereby engage to give immediate notice thereof to the general or officer commanding the troops of the United States at the nearest post. And should any tribe, with hostile intentions against the United States, or either of them, attempt to pass through their country, they will endeavor to prevent the same, and in like manner give information of such attempt to the general, or officer commanding, as soon as possible, that all causes of mistrust and suspicion may be avoided between them and the United States. In like manner the United States shall give notice to the said Indian tribes of any harm that may be meditated against them, or either of them, that shall come to their knowledge; and do all in their power to hinder and prevent the same, that the friendship between them may be uninterrupted.

Art. 10. All other treaties heretofore made between the United States and the said Indian tribes, or any of them, since the treaty of 1783, between the United States and Great Britain, that come within the purview of this treaty, shall henceforth cease and become void.

In testimony whereof, the same Anthony Wayne, and the sachems and war chiefs of the beforementioned nations and tribes of Indians, have hereunto set their hands and affixed their seals.

Done at Greenville, in the territory of the United States northwest of the river Ohio, on the third day of August, one thousand seven hundred and ninety-five.

Anthony Wayne, [L. S.]

WYANDOTS.

Tarhe, or Crane, his x mark,
J. Williams, jun. his x mark,
Teyyaghtaw, his x mark,
Haroenyow, or half king's son, his x
mark,
Tehaawtorens, his x mark,
Awmeeyeray, his x mark,
Stayetab, his x mark,
Shateyyaronyah, or Leather Lips, his
x mark,
Daughshuttah, his x mark,
Shaawrunthe, his x mark.

DELAWARES.

Tetabokshke, or Grand Glaise King,
his x mark,
Lemantanquis, or Black King, his x
mark,
Wabathhoe, his x mark,
Maghpiway, or Red Feather, his x
mark,

Kikthawenund, or Anderson, his
mark,

Bukongehelas, his x mark,
Peekeelund, his x mark,
Wellebawkeelund, his x mark,
Peekeetelemund, or Thomas Adams,
his x mark,
Kishkopekund, or Capt. Buffalo, his
x mark,
Amenahehan, or Capt. Crow, his x
mark,
Queshawnksey, or George Washington,
his x mark,
Weywinquis, or Billy Siscomb, his x
mark,
Moses, his x mark.

SHAWANEES.

Misquaconacaw, or Red Pole, his x
mark,
Cutthewekasaw, or Black Hoof, his x
mark,
Kaysewaesekah, his x mark,
Weythapamattha, his x mark,

Nianymseka, his x mark,
 Waytheah, or Long Shanks, his x mark,
 Weyapiersenwaw, or Blue Jacket, his
 x mark,

Nequetaughaw, his x mark,
 Hahgooseecaw, or Capt. Reed, his x
 mark.

OTTAWA.

Chegonickska, (an Ottawa from San-
 dusky, his x mark.

Meshekunnoghquoh, or Little Turtle,
 his x mark.

OTTAWAS.

Augooshaway, his x mark,
 Keenoshameek, his x mark,
 La Malice, his x mark,
 Machiwetah, his x mark,
 Thowonawa, his x mark,
 Secaw, his x mark.

POTTAWATAMIES OF THE RIVER ST. JOSEPH,

Thupenebu, his x mark,
 Nawac, (for himself and brother Etsi-
 methe) his mark,
 Nenanseka, his x mark,
 Keesass, or Sun, his x mark,
 Kabamasaw, (for himself and brother
 Chisaugan,) his x mark,
 Sugganunk, his x mark,
 Wapmeme, or White Pigeon, his x
 mark,

Wacheness, (for himself and brother
 Pedagoshok,)

Wabshicawnaw, his x mark,
 La Chasse, his x mark,
 Meshegethenogh, (for himself and bro-
 ther Wawasek,) his x mark,

Hingoswash, his x mark,
 Anewasaw, his x mark,
 Nawbudgh, his x mark,

Missenogomaw, his x mark,
 Waweegshe, his x mark,

Thawme, or Le Blanc, his x mark,

Geeque, (for himself and brother She-
 winse,) his x mark.

POTTAWATTAMIES OF HURON.

Okia, his x mark,
 Chamung, his x mark,
 Segagewan, his x mark,
 Nanawme, (for himself and brother
 A. Gin,) his x mark,

Marchand, his x mark,

Wenameac, his x mark.

MIAMIS.

Nagohquangogh, or Le Gris, his x mark,

CHIPPEWAS.

Mashipinashiwish, or Bad Bird, his
 x mark,

Nahshogashe, (from lake Superior,) his
 x mark,

Kathawasung, his x mark,

Masass, his x mark,

Nemekass, or Little Thunder, his x mark,

Peshawkay, or Young Ox, his x mark,

Nanguay, his x mark,

Meenedohgeesogh, his x mark,

Peewanshememogh, his x mark,

Weymegwas, his x mark,

Gobmaatick, his x mark.

MIAMIS AND EEL RIVERS.

Peejeewa, or Richard Ville, his x mark,
 Cochkepgoghtogh, his x mark.

EEL RIVER TRIBE.

Shamekunnesa, or Soldier, his x mark.

MIAMI.

Wapamangwa, or White Loon, his x
 mark.

WEAS FOR THEMSELVES AND PIANKESHAWAS.

Amacunsa, or Little Beaver, his x
 mark,

Acoolatha, or Little Fox, his x mark,

Francis, his x mark.

KICKAPOOS AND KASKASKIAS.

Keeawhah, his x mark,

Nemighka, or Josey Renard, his x
 mark,

Paikeekanogh, his x mark.

DELAWARES OF SANDUSKY.

Hawkinpumiska, his x mark,
 Peyamawksey, his x mark,

Reyntueco, (of the Six Nations living
 at Sandusky,) his x mark.

In presence of, (the word "goods" in the 6th line of 3d article; the word "before" in the 26th line of the 3d article; the words "five hundred" in the 10th line of the 4th articles, and the word "Piankeshaw" in the 14th line of the 4th article, being first interlined.)

H. De Butts, first aid-de-camp and sec'y to Major-gen. Wayne,

Wm. H. Harrison, aid-de-camp to Major-gen. Wayne,

T. Lewis, aid-de-camp to Major-gen. Wayne,

James O'Hara, quarter-master-general.

John Mills, major of infantry, and adjutant general.

Caleb Swan, P. M. T. U. S.

SWORN INTERPRETERS.

Geo. Demter, lieut. artillery,

William Wells,

Vigo,

Jacques Lasselle,

P. Frs. La Fontaine,

M. Morins,

Ant. Lasselle,

Bt. Sans Crainte,

H. Lasselle,

Christopher Miller,

Jn. Beau Bien,

Robert Wilson,

David Jones, chaplain, U. S. S.

Abraham Williams, his x mark,

Lewis Beaufait,

Isaac Zane, his x mark.

R. Lachambre,

Jas. Pepen,

Baties Coutien,

P. Navarre.

APPENDIX G.

LAWS OF THE INDIANA TERRITORY, CONCERNING
SLAVES AND NEGRO OR MULATTO SERVANTS.

[NO. I.]

AN act concerning the introduction of negroes and mulattoes into this Territory.

SECTION 1. It shall and may be lawful for any person being the owner or possessor of any negroes or mulattoes of and above the age of fifteen years, and owing service or labor as slaves in any of the states or territories of the United States, or for any citizen of the said states or territories purchasing the same, to bring the said negroes or mulattoes in to this territory.

SECTION 2. The owner or possessor of any negroes or mulattoes as aforesaid, and bringing the same into this territory, shall within thirty days after such removal, go with the same before the clerk of the court of common pleas of the proper county, and in the presence of the said clerk, the said owner or possessor shall determine and agree to and with his or her negro or mulatto upon the term of years which the said negro or mulatto will and shall serve his or her said owner or possessor, and the said clerk is hereby authorized and required to make a record thereof in a book which he shall keep for that purpose.

SECTION 3. If any negro or mulatto removed into this territory as aforesaid, shall refuse to serve his or her owner as aforesaid, it shall and may be lawful for such person, within sixty days thereafter to remove the said negro or mulatto to any place, which by the laws of the United States, or territory, from whence such owner or possessor may or shall be authorized to remove the same.

SECTION 4. If any person or persons shall neglect or refuse to perform the duty required in the second, or to take advantage of the benefit of the preceding section hereof within the time therein respectively prescribed, such person or persons shall forfeit all claim and right whatever, to the service and labor of such negroes or mulattoes.

SECTION 5. Any person removing into this territory, and being the owner or possessor of any negro or mulatto as aforesaid under the age of fifteen years, or if any person shall hereafter acquire a property in any negro or mulatto under the age aforesaid, and who shall bring them into this territory, it shall and may be lawful for such person, owner or possessor, to hold the said negro or mulatto to service or labor, the male until they arrive at the age of thirty-five, and the female until they arrive at the age of thirty-two years.

SECTION 6. Any person removing any negro or mulatto into this territory under the authority of the preceding sections, it shall be incumbent on such persons within thirty days thereafter to register the name and age of such negro or mulatto, with the clerk of the court of common pleas for the proper county.

SECTION 7. If any person shall remove any negro or mulatto from one county to another county within this territory, who may or shall be brought into the same under the authority of either the first or fifth sections hereof, it shall be incumbent on such person to register the same, and also the name and age of the said negro or mulatto, with the said clerk of the county from whence, and to which such negro or mulatto may be removed; within thirty days after such removal.

SECTION 8. If any person shall neglect or refuse to perform the duty required by the two preceding sections hereof, such person for such offense, shall be fined in the sum of fifty dollars, to be recovered by indictment or information, and for the use of the proper county.

SECTION 9. If any person shall neglect or refuse to perform the duty and service herein required, he shall for every such neglect or refusal be fined in the sum of fifty dollars, to be recovered by information or indictment, and for the use of the county.

SECTION 10. It shall be the duty of the clerk of the court of common pleas aforesaid, when any person shall apply to him to register any negro or mulatto agreeably to the preceding section, to demand and receive the said applicant's bond, with sufficient security in the penalty of five hundred dollars payable to the governor or his successors in office, conditioned that the negro or mulatto, negroes or mulattoes, as the case may be, shall not after the expiration of his or her time of service, become a county charge, which bond shall be lodged with the county treasurers respectively, for the use of the said counties: *Provided, always,* That no such bond shall be required or required in case the time of service of such negro or mulatto, shall expire before he or she arrives at the age of forty years, if such negro or mulatto be at that time capable to support him or herself by his or her own labor.

SECTION 11. Any person who shall forcibly take or carry out of this territory, or who shall be aiding or assisting therein, any person or persons, owing or having owed service or labor, without the consent of such person or persons, previously obtained before any judge of the court of common pleas of the county where such person owing or having owed such service or labor resides, which consent shall be certified by said judge of the common pleas to the clerk of the court of common pleas where he resides, at or before the next court, any person so offending, upon conviction thereof, shall forfeit and pay one thousand dollars, one-third to the use of the county, and two-thirds to the use of the person so taken or carried away, to be recovered by action of debt, or on the case: *Provided,* that there shall be nothing in this section so construed as to prevent any master or mistress from removing any person owing service or labor from this territory, as described in the third section of this act.

SECTION 12. The said clerk for every register made in manner aforesaid, shall receive seventy-five cents from the applicant therefor.

SECTION 13. The children born in this territory of a parent of color, owing service or labor by indenture, according to law, shall serve the master or mistress of such parent, the male until the age of thirty, and the female until the age of twenty-eight years.

SECTION 14. The provisions contained in a law of this territory, respecting apprentices, entitled "an act respecting apprentices," shall be in force, as to

such children, in case of the misbehavior of the master or mistress, or for cruelty or ill usage.

Approved, Sept. 17, 1807.

[The act of which the foregoing was a revision, was approved on the 26th of Aug., 1805.]

[NO. II.]

An act concerning servants.

SECTION 1. All negroes and mulattoes (and other persons not being citizens of the United States of America) who shall come into this territory under contract to serve another, in any trade or occupation, shall be compelled to perform such contract specifically during the time thereof.

SECTION 2. The said servants shall be provided by the master with wholesome and sufficient food, clothing and lodging, and at the end of their service, if they shall not have contracted for any reward, food, clothing and lodging, shall receive from him, one new and complete suit of clothing, suited to the season of the year, to wit; a coat, waistcoat, pair of breeches, and shoes, two pair of stockings, two shirts, a hat, and blanket.

SECTION 3. The benefit of the said contract of service shall be assignable by the master to any person being a citizen of this territory to whom the servant shall, in the presence of a justice of the peace, freely consent that it shall be assigned, the justice attesting such free consent in writing, and shall also pass to the executors, administrators, and legatees of the master.

SECTION 4. Any servant being lazy, disorderly, guilty of misbehavior to his master or master's family, shall be corrected by stripes, on order from a justice of the county wherein he resides; or refusing to work, shall be compelled thereto in like manner, and moreover shall serve two days for every one he shall have so refused to serve, or shall otherwise have lost without sufficient justification; all necessary expenses incurred by any master for apprehending and bringing home any absconding servant, shall be repaid by further service, after such rates as the court of common pleas of the county shall direct, unless such servant shall give security to be approved by the court, for the payment in money within six months after he shall be free from service, and shall accordingly pay the same.

SECTION 5. If any master shall fail in the duties prescribed by this act, or shall be guilty of injurious demeanor toward his servant, it shall be redressed, on motion, by the court of common pleas of the county wherein the servant resides, who may hear and determine such cases in a summary way, making such orders thereupon as in their judgment will relieve the party injured in future.

SECTION 6. All contracts between masters and servants, during the time of service, shall be void.

SECTION 7. The court of common pleas of every county shall at all times receive the complaints of servants, being citizens of any of the United States

of America, who reside within the jurisdiction of such court, against their masters or mistresses, alleging undeserved or immoderate correction, insufficient allowances of food, raiment, or lodging, and may hear and determine such case in a summary way, making such orders thereupon as in their judgment will relieve the party injured in future, and may also hear and determine complaints of masters and mistresses against their servants, for desertion without good cause, and may oblige the latter, for loss thereby occasioned, to make restitution for further services, after the expiration of the time for which they had been bound.

SECTION 8. If any servant shall at any time bring in goods or money, during the time of their service, shall by gift or other lawful means acquire goods or money, they shall have the property, and benefit thereof, to their own use; and if any servant shall be sick or lame, and so become useless or chargeable, his or her master or owner shall maintain such servant until his or her whole time of service shall be expired; and if any master or owner shall put away any lame or sick servant, under pretense of freedom, and such servant becomes chargeable to the county, such master or owner shall forfeit and pay thirty dollars to the overseers of the poor of the county wherein such offense shall be committed, to the use of the poor of the county, recoverable, with costs, by action of debt in any court of common pleas of this territory, and moreover shall be liable to the action of the said overseers of the poor at the common law for damages.

SECTION 9. No negro, mulatto, or Indian, shall at any time purchase any servant, other than of their own complexion; and if any of the persons aforesaid shall nevertheless presume to purchase a white servant, such person shall immediately become free, and shall be so held, deemed and taken.

SECTION 10. No person whatsoever shall buy, sell, or receive of, to or from any servant, any coin or commodity whatsoever, without the leave or consent of the master or owner of such servant; and if any person shall presume to deal with any servant without such leave or consent, he or she so offending shall forfeit and pay to the master or owner of such servant, four times the value of the thing so bought, sold or received, to be recovered, with costs, by an action upon the case, in any court of common pleas of this territory; and shall also forfeit and pay the sum of twenty dollars to any person who will sue for the same, or receive on his or her bare back, thirty-nine lashes well laid on, at the public whipping-post, but shall nevertheless be liable to pay the costs of such suit.

SECTION 11. In all cases of penal laws where free persons are punishable by fine, servants shall be punished by whipping, after the rate of twenty lashes for every eight dollars, so that no servant shall receive more than forty lashes at any one time, unless such offender can procure some person to pay the fine.

SECTION 12. Every servant upon the expiration of his or her time, and proof thereof made before the court of common pleas of the county where he or she last served, shall have his or her freedom recorded and a certificate thereof, under the hand of the clerk, which shall be sufficient to indemnify any person for entertaining or hiring such servant; and if such certificate should happen to be torn or lost, the clerk, upon request, shall issue another,

reciting therein the loss of the former; and if any person shall harbor or entertain a servant not having and producing such certificate, he or she shall pay to the master or owner of such servant one dollar for every natural day he or she shall so harbor or entertain such runaway, recoverable, with costs, by action of debt in any court of common pleas of this territory, and if any runaway shall make use of a forged certificate, or after delivery of a true certificate to the person hiring him or her, shall steal the same and thereby procure other entertainment; the person entertaining or hiring shall not be liable to the said penalty, but such runaway, besides making reparation for loss of time and charges of recovery, shall stand two hours in the pillory on a court day for making use of such forged or stolen certificate, and the person forging the same shall forfeit and pay thirty dollars, one moiety to the territory, and the other moiety to the owner of such runaway, or the informer, recoverable with costs in any court of common pleas of this territory; and on failure of present payment, or security for the same within six months, such offender shall receive thirty-nine lashes on his or her bare back well laid on, at the common whipping-post; and where a runaway shall happen to be hired upon a forged certificate and afterward denies the delivery thereof, the *onus probandi* shall lie upon the party hiring such runaway.

SECTION 13. If any slave or servant shall be found at the distance of ten miles from the tenement of his or her master, or the person with whom he or she lives, without a pass or some letter or token whereby it may appear that he or she is proceeding by authority from his or her master, employer or overseer, it shall and may be lawful for any person to apprehend and carry him or her before a justice of the peace, to be by his order punished with stripes, not exceeding thirty-five, at his discretion.

SECTION 14. If any slave or servant shall presume to come and be upon the plantation, or at the dwelling-house of any person whatsoever, without leave from his or her owner, not being sent upon lawful business, it shall be lawful for the owner of such plantation, or dwelling-house, to give or order such slave or servant ten lashes on his or her bare back.

SECTION 15. Riots, routs, unlawful assemblies, trespasses and seditious speeches by any slave or slaves, servant or servants, shall be punished with stripes at the discretion of a justice of the peace, not exceeding thirty-nine, and he who will may apprehend and carry him, her, or them, before such justice.

SECTION 16. If any person shall harbor any servant or slave of color, who is bound to service, without the consent of his or her master first obtained, he or she so offending shall be fined in any sum not exceeding one hundred dollars, at the discretion of the court, to be recovered by indictment or information; and if any person shall aid and assist any servant or slave to abscond from his or her master, upon conviction thereof, he or she so offending, shall be fined in any sum not exceeding five hundred dollars, at the discretion of the court, for the use of the party aggrieved, to be recovered as aforesaid.

Approved, Sept. 17, 1807.

[The act of which the foregoing was a revision and amendment, was approved on the 3d of December, 1806.]

[NO. III.]

An act to amend an act entitled "An act concerning servants," and for other purposes.

SECTION 1. Be it enacted by the legislative council and house of representatives, and it is hereby enacted by the authority of the same, That if any person or persons shall permit or suffer any slave or slaves, servant or servants of color, to the number of three or more, to assemble in his, her, or their house, out-house, yard, or shed, for the purpose of dancing, or revelling, either by night or by day, the person or persons so offending shall forfeit and pay the sum of twenty dollars, with costs, to any person or persons who shall sue for and recover the same, by action of debt, information, or indictment, in any court of record proper to try the same.

SECTION 2. Be it further enacted, That it shall be the duty of all coroners, sheriffs, judges, and justices of the peace, who shall see, or know of, or be informed of any such assemblage of slaves or servants, immediately to commit such slaves or servants to the jail of the said county; and on view or proof thereof, to order each and every such slave or servant to be whipped, not exceeding thirty-nine stripes, on his or her bare back, on the day next succeeding such assemblage, unless it shall happen on a Sunday, then on the Monday following; which said stripes shall be inflicted by any constable of the township, if there should be one therein, or otherwise by any person or persons whom the said justice shall appoint, and who shall be willing so to inflict the same: *Provided, however*, that the provisions hereof shall not apply to any persons of color who may assemble for the purpose of amusement, by the permission of their masters first had in writing, on condition that no disorderly conduct is made use of by them in such assemblage.

Approved, October 25, 1808.

[NO. IV.]

An act to repeal the act entitled "An act for the introduction of negroes and mulattoes into this territory," and for other purposes.

SECTION 1. Be it enacted by the legislative council and house of representatives of the Indiana territory, and it is hereby enacted by the authority of the same, That the act of this territory entitled "An act for the introduction of negroes and mulattoes into this territory," approved on the 17th day of September, 1807, be, and the same is hereby repealed.

SECTION 2. And be it further enacted, That if any person or persons shall attempt to remove, from this territory, or shall aid and assist in removing, any negro or mulatto person or persons, without first proving before one of the judges of the court of common pleas, or justice of the peace, who shall give a certificate thereof, to be filed in the clerk's office in the county wherein such proof

shall be made, that he, she, or they, are legally entitled so to do according to the laws of the United States and of this territory, shall, on conviction thereof, before any court having cognizance thereof, forfeit and pay the sum of one thousand dollars, one half to the use of the informer, and the other half to the use of the territory, to be recovered by action of debt, *qui tam*, or indictment, and shall be moreover liable to the action of the party grieved, and shall be for ever disqualified from holding any office of honor, profit, or trust, under this territory.

SECTION 3. And be it further enacted, That the first section of the law of this territory, entitled "An act concerning servants of color," be and the same is hereby repealed; saving, however, to such persons as may heretofore have executed indentures of servitude, their right under the same, and the master his remedy thereon.

Approved, December 14, 1810.

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* A fort which was erected at the site of Steubenville, Ohio, in 1789, was called Fort Steuben.

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